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# **A BREAK WITH TRADITION:**

**THE IMPACT OF THE LEGAL PROFESSION AND THE DOMINANT PARADIGMS OF  
LEGAL PRACTICE, LEGAL NEEDS AND LEGAL SERVICES ON THE DEVELOPMENT OF  
LAW CENTRES IN STRATHCLYDE AND THE WEST MIDLANDS.**

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# ABSTRACT

This thesis takes as its starting point the proposition that the restricted development of law centres in the United Kingdom has been a result of the exercise of power by the legal profession. This was based on the evidence of the legal profession's influence on the initial development of public legal services policy and the profession's active opposition to the emergence of the first law centres in the United Kingdom. However, law centres remained on the margins of public legal services policy, despite the retreat of the profession from its original position. Thus, it was suggested that the key issue was not simply the power of the profession, but also the power of the dominant paradigms of legal practice, legal needs and legal services. This is reflected in the private practice and casework orientation of the legal aid system. Law centres challenge the dominant paradigms in many ways. They offer a multi-faceted approach to the resolution of the legal and socio-economic problems of the poor and do so in a not-for-profit, community-controlled and often collectivist context.

Through quantitative and qualitative techniques employed in a multiple case study setting, this study sought to test the 'power hypothesis' empirically. Focusing on all of the law centres operating at any time between 1974 and 1997 in Strathclyde and the West Midlands, detailed accounts of significant events and periods in each centre's birth, life and, where appropriate, death were constructed. The thesis provides for the first time a social historical narrative of the development of law centres in these two locations. These accounts reveal that the profession and the dominant paradigms *have* had an impact on law centres in many significant ways. However, several of the greatest difficulties faced by law centres cannot be explained by reference to this conceptual framework.

Accordingly, the thesis concludes that a wider theoretical framework is required to explain the development of law centres. This wider framework must draw on several existing traditions. It should recognise the importance of community, local and ethnic

politics; social exclusion and ethnicity; and organisational and change management. However, it must also recognise the power of the legal profession and the dominant paradigms, as the additional challenges this brings distinguish the experience of law centres from that of other radical, community organisations.



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# CHAPTER 1: INTRODUCTION

Since 1949 and until very recently, legal aid formed the only major policy in the United Kingdom in relation to the provision of legal services to those who cannot afford them. Discussion of policy in this area has tended to be dominated by consideration of the merits or inadequacies of the legal aid schemes. As the legal aid systems evolved and their use (and cost) expanded, the emphasis was on ensuring that the schemes were administered effectively to control expenditure. This focus meant that there was generally less consideration of either the rationale for the legal aid schemes or whether they actually met any objectives that may have been identified. Consequently, fundamental questions about the appropriateness of legal aid itself in a changing world were rarely asked at a policy level. The scope of the schemes, the rates of remuneration, the quality assurance of the services provided and the adequacy of supply were all considered. However, there was for almost five decades far less discussion among policy makers of alternatives to legal aid as it stood. In some respects, this might indicate that legal aid was regarded as *the* answer to meeting the legal needs of the poor, albeit one that was not necessarily as effective in practice as it might have appeared in theory. Although a rather broader view has emerged in recent years<sup>1</sup>, for almost thirty years, the main alternative approach was that adopted by a relatively small number of organisations across the United Kingdom: law centres.

The UK's first law centre opened in North Kensington in 1970, inspired by the inability of the legal aid scheme as provided by solicitors in private practice to meet the needs of those living in deprived areas. By employing salaried solicitors on a not-for-profit basis and specifically focusing their energies on meeting needs that had hitherto been unmet, the first law centres marked a departure from the norm in terms of the delivery of legal services. The demand for the services offered by the first law centres certainly justified

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<sup>1</sup> See Lord Chancellor's Department, 1998, 1999; Access to Justice Act 1999; Scottish Office Home Department, 1998; Scottish Executive, 2001.

their establishment. Despite early doubts, within a few years they had the general support of the key players in the legal services field: the Law Societies and central government. The number of centres expanded for fifteen years, but then hit something of a ceiling. The number of centres in England and Wales, at around sixty, has been largely static since the mid-1980s, although it is only since this time that the majority of centres has opened in Scotland. Meanwhile a number of centres in England and Wales have closed and the total number and distribution of centres (even in Scotland) suggests that they have by and large remained on the margins of provision aimed at the poor. This limited development forms the subject matter of this thesis.

This brief introduction immediately suggests that law centres, as an alternative to the dominant mode of provision, have struggled to convince policy makers that they are worth promoting (and funding) as either an alternative or, less radically, an adjunct to the legal aid schemes. In this context, it is informative to note that the post war development of government policy for the funding of legal services was greatly influenced by the legal profession (Goriely, 1994; Legal Action Group, 1992a). It has also been noted (Bellow, 1981; Cooper, 1983; Johnson, 1978; Zander, 1978) that the organised legal profession in the United States supported the development of the system of neighbourhood law offices, based on salaried lawyers, that emerged there in the 1960s. Thus it is suggested that the stance of the legal profession is of prime importance in determining the form of provision adopted when governments seek to develop public legal services policy (Cooper, *op.cit.*). It follows that the support of the legal profession might also be of central importance to the establishment of any alternative to an existing policy. An examination of the literature on the emergence of the first law centres in the United Kingdom (Byles and Morris, 1977; Stephens, 1990; Zander, *op.cit.*) highlights the initial scepticism, and indeed outright opposition, of the legal profession which, through the structure of private practice, had hitherto been responsible for the provision of all state-funded solicitors' services. The starting hypothesis for the research carried out for this thesis is, therefore, that the limited development of law centres in the United Kingdom can be explained by reference to the role played by the legal profession.

Chapter 2 examines the literature in more detail. By way of background, the arguments for public subsidy of legal services are explored and different models of provision are briefly described. The background to the initial development of law centres is then considered, alongside a description of the development and usage of the legal aid schemes. Following an outline of the main schools of thought on the professions, theories on the exercise of power are examined. To assess the proposition that the power of the legal profession led to the restricted development of law centres, the profession's role in relation to legal services policy is explored. The discussion focuses both on the profession's role in the initial development of legal aid and the perpetuation of that policy as law centres emerged. Finally, brief consideration is given to other issues relevant to law centres in operation. In exploring the extent to which these issues relate to the power of the profession, a more subtle process is identified, associated with the dominant mode of provision. Consequently, the *starting* hypothesis is reformulated as a *working* hypothesis. The latter envisages not only the power of the legal profession, but also the power of the dominant paradigms of legal practice, legal needs and legal services (hereafter referred to as the dominant paradigms).

Flowing from some of the issues identified in Chapter 2, Chapter 3 describes the research methodology, setting out the questions to be answered and the data collection strategies adopted to test the working hypothesis empirically. It describes a mixed-method approach. The initial stage of the research involved the collection of quantitative data on the nation-wide development of law centres. This data was drawn from documentary sources. For an in-depth analysis of the issues affecting the development of centres, a case study approach was adopted, focusing on each of the law centres, past or present, in two geographic areas, one in England and one in Scotland. The data for this stage of the research was again collected from documentary sources, supplemented by in-depth qualitative interviews with key players.

Chapter 4 sets out the analysis of the quantitative data relating to the national picture, testing secondary hypotheses relating to proxies for need and political support. It also

presents data on the development of law centres, including information on the timing of their openings (and closures), funding, staffing and areas and types of work undertaken.

Chapters 5, 6 and 7 comprise the empirical core of the thesis, examining qualitatively the birth, life and death of the centres in the two areas chosen for the study. These primarily descriptive chapters present a synthesis of the documentary and interview data. By focusing on episodes that can be viewed as key to the centres' development, survival or demise, these chapters allow several themes to be identified from the data. These themes are then examined in Chapters 8 and 9. Chapter 8 assesses the support for the 'power hypothesis' provided by the empirical data. To the extent that this hypothesis does not fully explain the appearance - or disappearance - of the centres in the two areas, several alternative explanatory factors are identified. These are explored in Chapter 9. Chapter 10 offers some conclusions on the relative strength of the various explanatory factors identified.



## CHAPTER 2: LITERATURE REVIEW

This thesis explores the development of law centres in the United Kingdom, focusing particularly on two geographic areas. It considers how the centres in those areas came into being, what challenges they faced throughout their lives and, where applicable, why they closed. Before considering any of these issues, however, it is important to explore what law centres are and why they exist at all.

The first task is to set out a number of different models for the provision of legal services to those unable to afford them at market value. Law centres are one such model. The Chapter then goes on to consider different arguments for the public funding of services and the extent to which these arguments have been reflected in the development of publicly funded legal services in the United Kingdom. This leads onto a discussion of the emergence of the first law centres in the United Kingdom. This development is then considered in the context of the role of the legal profession.

### MODELS FOR THE DELIVERY OF LEGAL SERVICES

The first possible model for ensuring that the poor have access to legal services is, in essence, to leave it to the conscience of the providers of the service to fee-paying clients: the charitable model. In this model, lawyers (as honourable professionals) would take it upon themselves to offer their services to those who could not afford to purchase them. It would be regarded as part of the lawyer's professional responsibilities to do this, which should be enough to ensure sufficient coverage to meet real needs. This model formed the basis of provision in many countries, including the earliest statutory provision in Scotland, dating from 1424 (Hughes 1980, p.83), and in England, dating from 1494 (Egerton 1945). The charitable model still lives on, although not as the only mechanism for ensuring that unmet needs are met. In the United States in particular, law firms are required to undertake a certain amount of *pro bono* work each year.

It seems unlikely that many lawyers would willingly give much by way of what is essentially a charitable donation. Even those who are keen to do so are restricted by the commercial reality that only a small amount of such work can be done, as by necessity it means that time is not being spent earning fees. That said, there is much anecdotal and research evidence (Baldwin 1988) that solicitors will often ‘top-up’ the fairly restrictive expenditure limits under the advice and assistance scheme, thereby giving their clients more than will be paid for by the legal aid fund. Anecdotally, solicitors in Scotland also suggest that they do not always collect the contribution chargeable under advice and assistance, meaning that the solicitor rather than the client is out of pocket<sup>2</sup>. There is some research evidence for this practice in criminal cases (Goriely et al, 2001), where waiving the contribution appears to be a commercial rather than charitable decision.

There are also many schemes in which lawyers give their time free, often on an informal rota basis, in the form of legal clinics. These may be run independently or in conjunction with an advice agency (such as a Citizens Advice Bureau or law centre). Regan (2000) has argued that *pro bono* work should be encouraged as an adjunct to other forms of funding, but none of this charitable provision is sufficient on its own (Zander *op.cit.*; Paterson 1987) and it is hard to see how it ever could be. As discussed below, it has been argued that the state has a responsibility to ensure that legal services are available to those who need them. In this context, it could be argued that reliance on *pro bono* work to some extent absolves the state of this responsibility. There is also a danger that reliance on *pro bono* provision skews services in particular directions that are not determined in any coherent way and do not necessarily reflect the distribution of needs in society. As Paterson has argued (1987, p.8), *pro bono* work can be used as a marketing ploy. Thus legal support may be given to high profile individuals or organisations which attract considerable local interest and sympathy (and would quite possibly be capable of paying for the services themselves).

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<sup>2</sup> There are no contributions under advice and assistance in England and Wales.

Given the inadequacies of the charitable model, a second model of provision developed in a number of jurisdictions. This model is often termed 'judicare', but it is more commonly known in the United Kingdom as legal aid. Under a legal aid system, services are generally still provided by private solicitors, but the state meets the cost (in whole or in part). Decisions as to whether an individual is entitled to state support are made on the basis of means and merits tests. The extent to which such decisions are delegated to service providers varies from system to system, but the state usually retains a strong measure of control.

A legal aid system is capable of providing far broader coverage than is possible under the charitable model, but there is no compulsion on lawyers to offer the service. There is, therefore, a possibility that lawyers will choose not to offer legal aid services: although such schemes tend to cover a broad range of legal areas, they also tend to do so at pay rates significantly below the market rate for such work. Even with such discounted rates, the cost to governments can be very great indeed, as the budget is usually demand led. The development of the UK schemes also meant a focus on private lawyers but, as will be explored below, this is not necessarily appropriate in all circumstances.

While legal aid systems emerged following recognition of the inadequacies of the charitable model, the inadequacies of the legal aid model itself led to the development of a further model of provision. This model involves salaried lawyers and forms the basis of this thesis. The salaried model entails lawyers operating on a non-profit making basis, for a salary, rather than seeking payment on a case-by-case basis. In other jurisdictions, such lawyers may be employed directly by the state or by a public body specifically charged with this task. The most familiar use of the state-run salaried model is in relation to criminal services. However, there are also a number of jurisdictions that rely – to a lesser or greater extent – on salaried lawyers to deliver publicly funded civil legal services. In the United Kingdom, such lawyers have not been directly employed by the

state<sup>3</sup>, but have organised themselves in not-for-profit organisations called law centres. They draw a salary from the law centre, which is funded as an entity in its own right. As will be explored below, most of the funding for law centres has come from central and local government, although many centres also have some income from charitable sources.

The salaried model and its roots are explored in detail below. However, before discussing the reasons for and nature of law centres' emergence, it is worth considering why legal services should be publicly funded in the first place. In exploring the various justifications for publicly funded legal services, it also becomes apparent that the different arguments justify certain models more than others. This in itself, at least in part, explains why the system of publicly funded legal services in the United Kingdom incorporates elements of each of the models discussed above.

## **WHY HAVE PUBLICLY FUNDED LEGAL SERVICES?**

It is only in the post-war period that the widespread public funding of legal services has been seen in the United Kingdom, embodied principally in the legal aid schemes. These were introduced following the recommendations of, in England and Wales, the Rushcliffe Committee (1945) and, in Scotland, the Cameron Committee (1946). In the 50 or so years since its introduction, legal aid has grown in terms of the number of people assisted and the net cost of the schemes in Scotland and England and Wales now exceeds £1.3 billion. Although this expenditure pales compared to other areas of public expenditure such as health, education and social security, it is certainly not insignificant.

Until very recently, the legal aid systems introduced in the immediate post-war period, although expanded and adjusted, remained essentially unchanged. However, as noted above, legal aid is but one way of ensuring the provision of legal services to those who

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<sup>3</sup> There is one recent exception to this general rule. In early 2002, The Scottish Legal Aid Board employed five solicitors for four pilot projects run under powers contained in the Legal Aid (Scotland) Act 1986.

would be unable to finance them independently. This section will consider the arguments for the public funding of legal services in general and briefly explore the extent to which these various arguments have shaped provision in this country.

The traditional argument for legal aid is based on the principle of equality. This can be interpreted in two subtly different ways. It can be taken to mean either that those who do not have the private means *to use* the law should be put on the same footing as those who do, or that there should be equality *before* the law. The former interpretation finds support in the merits tests in UK legal aid legislation. These are generally interpreted to mean that, assuming the applicant qualifies financially, support should be granted for an action on which a reasonable solicitor would advise a reasonable client with means to spend his own money (Zander 1984)<sup>4</sup>. Equality obviously has its limitations. The Scottish Office stated that the purpose of civil legal aid was to “permit those of insufficient means that same opportunity to pursue their rights as is available to those of *moderate rather than abundant means*” (Scottish Home and Health Department 1985, para.4, emphasis added). Paterson and Bates (*op.cit.*) have argued that this description “represents a major erosion in the availability of legal aid” (p.285). Genn and Paterson (2001) have also suggested that, if it was meant to describe legal aid’s role in securing equality then “equality of misery was all that legal aid sought to achieve” (p.2).

An additional limitation of the equality argument is that ‘a reasonable man with means’ may have little or no interest in raising many of the actions for which one would expect legal aid to be made available (Zander 1978). For example, the amount of money involved in a financial claim may be insignificant to the man of means. Alternatively, such a person may not find himself in many of the situations that might give rise to a legal claim by a person of restricted means (for example, the provision of substandard housing by a local authority). Finally, the economically advantaged citizen may also be

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<sup>4</sup> With effect from 1 April 2000, the Access to Justice Act 1999 replaced the merits test in England and Wales with a ‘funding code’. This sets out “the criteria according to which [the Legal Services Commission] is to decide whether to fund (or continue to fund) services as part of the Community Legal Service” (section 8(1)). For more details on the development of the funding code, see Legal Aid Board 1999 and Legal Aid Board Research Unit 1999.

socially advantaged and therefore have recourse to more appropriate and effective non-legal courses of action, such as negotiation. Thus it may, in fact, make little practical sense to talk of this conception of equality as a justification for publicly funded legal services.

The latter interpretation of equality, that of equality before the law, relates to procedural equality (Cranston 1985). On this view, the opposing parties in a dispute should be on an 'equal' footing. It can be argued that an adversarial system of dispute resolution cannot function efficiently and "justice is unlikely to be done unless the parties to the dispute are able to engage roughly the same amount of legal talent" (Abel-Smith and Stevens 1968, p.91). This argument is particularly pertinent in relation to the criminal law, as it is the state that brings the action against the individual. Further, the state is always represented and the outcome can (and often does) affect the liberty of the accused. Indeed, the principle of representation for accused persons without means is enshrined in the European Convention on Human Rights and has now been incorporated into domestic law via the Human Rights Act 1998. However, the argument also applies to many civil disputes and especially those that involve an individual taking on an institution, whether this be an insurance company, a local authority or a government department. In the vast majority of such cases, the institution in question will be legally represented, often by an 'in-house' lawyer. These lawyers will often be very experienced in court settings and will often specialise in a particular type of case. Such "repeat players" are therefore at a real advantage over the individual "one-shotter" who is probably involved in litigation for the first and only time in his life (Galanter 1974).

The value of representation should not be underestimated. Samuel's study of personal injury cases in the Scottish small claims court (1998) found that "access to legal representation does appear to be a necessary (though insufficient) condition of success in personal injury actions" (p.76). Unrepresented litigants faced by represented defenders (often insurance companies with specialist lawyers) faced various difficulties. These related to their lack of specialised knowledge, experience and status and often led them to drop claims or to accept poor settlements. This imbalance was felt not only in relation

to court proceedings themselves but also in the course of negotiation. Reference to this study in the context of the equality justification for public provision of legal services is somewhat ironic, as small claims proceedings are excluded from legal aid. This is at least in part because the procedure is, in theory, straightforward enough to obviate the need for representation. However, this is clearly not always the case in practice.

Small claims are not the only setting in which legal aid is unavailable but representation has been shown to be important. Legal aid is also unavailable for most administrative tribunals. In a study of representation before a range of tribunals, carried out for the Lord Chancellor's Department (LCD) (Genn & Genn, 1989; see also Genn, 1993, 1994), it was found that the chances of success were greatly increased where the appellant was represented (though not necessarily by a lawyer). Quite apart from this obvious attraction from the appellant's point of view, there were also wider benefits. Representation was seen to result in properly investigated cases, the provision of the correct sort of evidence, coherent and succinct isolation of relevant material and presentation of facts and more accurate decision-making (Genn & Genn, *op.cit.* p.216). In most tribunals, the 'other party' with whom one might wish to secure procedural equality will be the state or an agency of the state e.g. the Benefits Agency in a Social Security Appeals Tribunal. However, one of the most legalistic tribunals is generally recognised to be the employment tribunal (formerly known - and referred to in Genn and Genn - as the industrial tribunal). In this setting, the appellant will usually be an individual and the other party will be an employer. Employers are often legally represented and indeed it was in tribunals where the employer was represented that Genn and Genn found the most beneficial impact of representation (or the most serious consequences of non-representation).

It might, therefore, be argued that the exclusion of most tribunals from the legal aid system that emerged from the post-war policy process was an important limitation in the coverage offered by that system. However, this limitation does not in itself weaken the procedural equality argument for public provision of legal services. Indeed, representation before tribunals was included in the initial proposals for the legal aid

scheme approved by the post-war Labour cabinet, but was for a number of reasons (Goriely 1994, p.549) absent from the subsequent legislation. Thus procedural equality may be a strong argument for the public funding of legal services. However, either it was not the overriding consideration when the legal aid schemes were being developed, or it was not felt at that time that procedural equality required legal representation in tribunals.

Recent reforms have explicitly recognised the *impact* of procedural inequality in some circumstances. In January 2001, Scottish regulations made assistance by way of representation (ABWOR) available for employment tribunals<sup>5</sup>. However, the effect of the regulations was to limit support to situations in which it could be argued that the complexity of the case was such that representation was required to ensure procedural equality. In other words, the mere fact of representation of one side would not be enough to establish an inequality of arms. Thus while the language of procedural equality has now entered the lexicon of legal aid legislation, it is not automatically taken to require the funding of representation in all circumstances.

Despite the peculiarities of the British legal aid schemes, one can still argue that the public provision of legal services in general can be justified on the grounds that it promotes equality before the law. However, this approach still takes a very narrow view of the disadvantages faced by the less well off when it comes to the law. The law and the legal system operate in many ways to the disadvantage of those who are unfamiliar with their principles and practices. Not all such disadvantages can be obviated by publicly funded legal services.

For example, the individual seeking compensation from a defender backed by an institution, such as an insurance company or a trade union, even if legally represented his/herself, may feel pressured to settle. They may, therefore, accept less than the likely

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<sup>5</sup> SSI 2001 No.2. While the Scottish Executive decided to extend coverage following the incorporation of the European Convention of Human Rights into domestic law, the LCD did not.



damages which would arise if the parties were on an equal footing, as the delay caused by legal procedures may outweigh the benefits of immediate payment.

Further, positive action by an aggrieved party is always required. Even if the basis of the grievance is manifest and another party is evidently at fault, the 'defender' will 'get away' with whatever it is he or she has done wrong if no action is raised. There is some recent research evidence (Genn and Paterson, 2001; Palmer and Monaghan, 2001) that those with a grievance may be less likely to take action where they perceive their grievance to be another party's responsibility, particularly where that party is an institution or public body.

These are not arguments against the equality justification, but they do tend to suggest that equality is not the driving force behind public legal service expenditure. As described above, it is reflected only partially in the British legal aid schemes. Further, giving poor people lawyers, while often very important itself, is not necessarily the best way of securing equality, or even equality before the law.

As a wider recognition of the potential role of lawyers and the law in the lives of those excluded from the private legal sector dawned, a further argument for the public funding of legal services emerged. This argument looked *beyond* issues of procedural equality and into the realm of equality *per se*: by providing legal services, the social and economic position of the poor may be improved (Cranston 1985). It is argued that laws that seek to reduce poverty, protect the vulnerable or reduce inequality cannot be effective unless they are implemented. Thus, the law can be used as a tool for reducing inequality in general, not just procedural inequality. This argument does not relate well to the traditional pattern of expenditure under the legal aid schemes, which highlights criminal law, family law and reparation/damages. However, as explored below, it does relate more closely to the aims of lawyers involved in the access to justice movement.

Another closely related argument sees publicly funded legal services as a means by which rights may be enforced. Marshall (1963) argued that, before the members of an advanced society could meaningfully be described as 'citizens', that society must first

pass through three stages of development. During the course of these three stages of development, members of the society in question would be granted civil rights, political rights and social rights respectively. Part of the first group of rights was the right to justice, which Marshall saw as “the right to defend and assert all one’s rights on terms of equality with others and by due process of law”. While this right can be seen in general terms, it becomes even more pertinent when viewed in the context of the legal services debate of the past fifty or so years.

Much of this debate has centred on the enforcement of welfare rights, part of what Marshall referred to as social rights. Although he did not see their execution as likely to be problematic, it is in relation to these rights that a particularly strong argument for public legal services exists. If a government grants rights to its citizens, it is illogical for that government to deny those citizens the means to enforce their rights, whether they are to liberty, employment, housing or health. This is not the same as arguing for maintenance of present expenditure on legal aid *per se*, although it has been used as such in the past. The Law Society of England and Wales argued in its annual report on legal aid for 1974/75 that

“[i]n so far as the law is not made effective in the lives of all citizens it must fail in its social purpose and weaken all other social measures. Only through a truly comprehensive legal aid scheme can laws enacted to benefit those in need fully serve their intention” (p.1).

The Law Society’s use of this as an argument for legal aid is slightly ironic, as many would argue that legal aid is in fact an imperfect vehicle for the enforcement of rights. The rights argument can, however, justify policies and expenditure aimed at enabling citizens to identify their rights, to become aware of any infringement of these rights and to remedy this situation by the most appropriate means. In many cases, this will involve the use of legal services<sup>6</sup>.

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<sup>6</sup> For a full discussion of citizenship and legal services, see Stephens 1982 and 1990, pp.1-11.

Thus, there are many different justifications for the public funding of legal services for those who cannot afford to pay for them. The design of the system which one might regard as optimal will clearly depend on which of the above arguments one finds most convincing. Although originally most closely stemming from the procedural equality argument, the legal aid systems that emerged in the United Kingdom were a fully satisfactory response to none of the arguments outlined above. This was because of the very narrow definition of the needs they sought to meet and an even narrower definition of the services that should be provided to meet them.

These weaknesses have long been recognised. Lewis, writing in 1973, argued that the traditional equality argument for legal aid was fundamentally flawed in that relied on an assumption that “those who have a legal problem should have a lawyer if they cannot afford one because others can afford one” (p.78). Lewis saw this assumption as problematic because of both the conceptual inadequacies of the term “legal problem” and the link between such a problem and the need for a lawyer. Indeed, as Genn (1999) observes, the former has often been defined in the past in relation to the latter: a problem has been assumed ‘legal’ if it would normally be dealt with by a lawyer. Because the range of problems traditionally dealt with by private lawyers is narrow, so too for many years was the definition of a legal problem. The predictable finding of early surveys based on this definition was that, as many people experiencing these kinds of problems were not going to lawyers, there was an unmet need for legal services. This highlights the major problem of the unmet legal needs debate identified by Lewis (*op.cit.*). By defining a legal problem as one for which the services of a lawyer would normally be used, one assumes that a lawyer is what a person experiencing such a problem actually needs.

Genn and Paterson (2001) describe more recent efforts to take a broader view of both legal problems and the resolution strategies adopted by individuals. The twin *Paths to Justice* studies by Genn (*op.cit.*) and Genn and Paterson (*op.cit.*) seek to separate the definition of the problem from the resolution strategy. They show that the strategy (or non-strategy) adopted is closely related to the type of problem experienced. As a marked

departure from early studies into legal needs, these studies (and others, such as Palmer and Monaghan, *op.cit.*) show that seeking the assistance of a lawyer is just one option for those faced with ‘justiciable events’. To the extent that it has maintained its private lawyer orientation and its focus on the kinds of ‘traditional legal problems’ that provided the rationale for its introduction, the legal aid system must be regarded as an inadequate mechanism for assisting many of those navigating a ‘path to justice’, if assistance they need.

## A BRIEF HISTORY OF TIME AND LINE

Law centres first emerged in the United Kingdom as an adjunct to the legal aid schemes. Some of the needs they sought to meet either were beyond the scope of legal aid altogether or, while within scope, were not adequately addressed by the private legal profession. However, they also sought to tackle needs more effectively by using a wider range of strategies than those embodied in the structure of legal aid. To place these developments in context, this section briefly describes patterns of legal aid expenditure. It should be noted that the patterns described and the terminology used relate to the period before the implementation of the Access to Justice Act 1999. The Act introduced significant changes to both the structure and terminology of the civil legal aid system in England and Wales. These are briefly described below.

Legal aid has traditionally been used in a relatively narrow range of fields. Statistics show that the most frequent usage and greatest call on the budget of civil legal aid has consistently been in relation to matrimonial and other family matters, with the next largest single category relating to actions for reparation/damages<sup>7</sup>.

The dominance of family matters is perhaps unsurprising. The family is of course a highly legalised institution: witness the multifarious and ever-changing rights and

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<sup>7</sup> For details, see the annual reports of the Law Society, the Law Society of Scotland, the Legal Aid Board and the Scottish Legal Aid Board.

responsibilities of partners, parents and children. Indeed, as Goriely (1994) points out, “the present civil legal aid scheme was set up in response to the [post war] divorce crisis. Its main purpose was to deal with marriage breakdown, and this is the task it has in fact performed” (p550).

It is certainly less easy to find evidence of civil legal aid being used by those faced with problems in the social welfare areas. However, this is perhaps inevitable given the scope of civil legal aid. Civil legal aid is only available where court proceedings are involved. This immediately excludes many of the social welfare areas, which revolve around tribunals rather than courts. Other social welfare problems, such as those relating to multiple debt or rent arrears, might also effectively be beyond the scope of legal aid. This will be the case if proceedings are raised by creditors or landlords in the small claims court (for which legal aid is unavailable). In other cases, legal aid may be inappropriate because the individual involved is not seeking to raise a defence to the action as such. When the debts or arrears are not disputed, it will often be a realistic repayment schedule the client needs, not necessarily someone to represent them in court. In many instances, people need advice, not proceedings. Indeed, that advice may mean that proceedings can be avoided.

As Goriely (*op.cit.* p.554) recounts, it was in the early 1970s that the potential of public funding of legal services to address the needs of those disadvantaged in their dealings with public welfare bureaucracies was first recognised. The key to this development was the introduction of the advice and assistance scheme in 1972. Advice and assistance is available in relation to any matter of law, whether any proceedings are likely to be raised (or defended) or not. As such, it is a useful tool for use by those seeking to provide legal services to clients with a wide range of problems, not all of which could be solved under civil legal aid.

Despite this wider scope, Paterson’s analysis of advice and assistance intimations in the former Strathclyde Region in 1984 suggested that use of advice and assistance was largely restricted to the traditional areas:

“while the private profession provides legal advice to disadvantaged citizens on a substantial scale within the Region in the fields of Criminal and Family Law...its contribution in relation to Housing Law and Tribunals is much less impressive.” (Paterson 1984, p. 9)

Nevertheless, Paterson also found evidence to suggest that there was a great need for provision in these other areas. When the advice and assistance figures were compared to inquiry statistics at Citizens Advice Bureaux (CABx) in the Region, it was found that in the areas of employment, debt, housing and tribunals the CABx handled more enquiries and cases than there were intimations of advice and assistance:

“when it is recalled that there are only 22 CABx in the Region and 550 legal firms the disparity between the work done by the profession and CABx in these areas is very marked”. (*ibid.*)

Usage of civil advice and assistance *is* far more diverse than that of civil legal aid, with the social welfare areas far more significantly represented. Indeed, social welfare law accounts for a considerable proportion of spending in England and Wales and a growing proportion in Scotland. Nevertheless, expenditure in both jurisdictions is still dominated by family matters and reparation/damages (at least until very recently in the case of England and Wales: see below). While enabling the poor to access the same services as the not so poor is itself important, it is only part of a complex picture. The prevalence of social welfare problems identified by Genn (1999) and Genn and Paterson (*op.cit.*) suggests that the legal aid schemes - particularly in Scotland - are not effectively meeting the needs that exist in these areas. This indicates a serious shortcoming of what has been, for over fifty years, the only major policy of central government for the meeting of legal needs.

Recent policy developments suggest that government is beginning to recognise the limitations of the traditional legal aid model. The 1990s saw experimentation by the Legal Aid Board with the use of both non-lawyers and lawyers employed in not-for-profit agencies (Steele and Bull, 1996; Steele and Seargeant, 1999). The reforms introduced by the Access to Justice Act 1999 explicitly recognised the value of such

alternatives to private practice, providing for contracting arrangements between such agencies and a newly constituted Legal Services Commission (LSC).

The LSC is responsible for administering the Community Legal Service (CLS). With a few important exceptions<sup>8</sup>, the contracts the LSC makes with providers under the CLS provide for broadly the same range of services previously available under civil legal aid, advice and assistance or assistance by way of representation. However, through its Partnership Innovation and CLS Grant Budgets<sup>9</sup>, the LSC is also able to fund innovative methods of service provision that take publicly funded legal services well beyond the casework strategies and traditional lawyer/client relationship that dominated the previous system.

There are three separate, but interrelated, strands of the CLS. The first relates to the establishment of quality standards for both lawyers and non-lawyer providers. The second focuses on the formation of partnerships between funders (including local authorities) and providers of services to ensure effective planning and co-ordination of service delivery at a local level. Finally, the LSC has established a web-site to provide users with ready access to online sources of information, as well as a comprehensive directory of quality assured providers.

Scotland has yet to see similar reforms. However, The Scottish Office consulted in 1998 on the development of a system to ensure that “everyone has access to the information and advice they need in the right place and at the right time” (Scottish Office Home Department, 1998, p.5). Progress since this consultation has been somewhat limited. The principal advance has been the commencement of Part V of the Legal Aid (Scotland) Act 1986. The provisions of Part V enable the Scottish Legal Aid Board to employ solicitors for a range of purposes. These include not only the direct provision of legal aid

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<sup>8</sup> Most significantly, the 1999 Act took most actions involving claims for damages out of the scope of the CLS scheme. The Act instead provided for potential litigants to enter into conditional fee arrangements with legal services providers.

<sup>9</sup> Legal Services Commission, 2001.

and advice and assistance, but also the provision of support to advice giving organisations. In early 2001, the Board employed five solicitors to work in pilot projects run in partnership with other advice providers.

In 2000, the Scottish Executive constituted a working group to consider the development of proposals for community legal services in Scotland. The report of this working group (Scottish Executive 2001) did not deliver a blueprint for a new system, but instead set out a suggested programme of further development work. Nevertheless, the report makes clear that, as in England and Wales, and more so than at any point since legal aid was first developed, there is a recognition that traditional routes through the legal system are not always the most appropriate and that a more sophisticated approach to the delivery of services to help people resolve their ‘legal’ problems is needed. While this recognition has taken a long time for policy-makers to reach, those working in law centres realised long ago that the legal aid system was inadequate, not only to address the legal problems of the poor, but also to go any way towards addressing the source of many of those problems: poverty.

## **SALARIED LEGAL SERVICES**

The importing of the idea of law centres to the United Kingdom came, like the first developments in the USA, at a time when new ideas were being tested in the search for solutions to the problems centred around poverty. Johnson (1978) describes how, in the context of the recent establishment of the legal aid scheme in the UK, it was the “threat of a similar government financed plan in the United States [that] spurred many formerly apathetic state and local bar associations to establish private legal aid societies” (*ibid.*, p.9). Thus was established the first real provision of legal services to the poor in the USA. This is rather ironic, as the first law centres in the UK opened because of the inadequacy of the legal aid scheme. However, the American profession’s response to this threat was less than overwhelming and provision for the poor was still pitifully



inadequate until the early to mid-1960s. The Office of Economic Opportunity Legal Services Program was developed at a time of rapid social change in the USA. A select group of radical thinkers took the lead in a very short period of experimentation and innovation. The result was that, between 1964 and 1967, a nationwide network of neighbourhood law offices were set up, employing salaried solicitors to provide legal services to the poor. This was one weapon in the publicly funded war against poverty.

Having becoming aware of the recent development in the United States, Michael Zander published articles in 1966, and again in 1967, extolling the virtues of neighbourhood law firms (Zander 1978). These prompted a response from the Lord Chancellor's Advisory Committee on Legal Aid, which rejected the idea. The committee "remained firmly of the opinion that development of the Citizen's Advice Bureaux provides the best solution to [the problem of persuading people to get legal advice before the need for litigation arises]" (quoted *ibid.* at p.65).

In 1968, the Society of Labour Lawyers held a conference in Oxford on problems of the legal profession. At this conference, the Law Society restated its position that private practitioners would be more effective than salaried solicitors and that figures from the USA which suggested otherwise were misleading (*ibid.*). However, the discussion at this conference led to the publication of the pamphlet *Justice for All* (Society of Labour Lawyers, 1968). The rationale behind *Justice for All* was that the very private legal profession that was arguing it was best placed to meet the needs of the poor had failed to do so. This failure was inevitable given the orientation of the extant model of legal aid:

"The existing legal aid and advice scheme is based on the traditional view of the nature of professional services – that the professional man decides where he is to practice and then waits in his office to be consulted." (p.37)

The conclusion reached was that, even with a great many solicitors offering this service, the private practice model itself was not suited to and did not meet the needs of the poor. A more radical, proactive, alternative was required.

Zander (*op.cit.* pp.64-76) describes the early debates in considerable detail. It suffices here to say that the idea of law centres was placed firmly on the agenda following the publication of *Justice for All. Rough Justice* (Society of Conservative Lawyers, 1968), published in the same month, although considerably more cautious, also accepted the possibility of neighbourhood law firms. Even the Law Society wavered slightly by 1969. However, as will be discussed below, all of these debates and discussion with the Law Society led to nothing on their own. The initiative instead had to be taken by a few radical lawyers.

The objective of the North Kensington Neighbourhood Law Centre (1971, quoted in Stephens, 1990, p.33), the first to be established in the UK<sup>10</sup>, was:

“To provide a first class solicitors service to the people of the North Kensington community; a service which is easily accessible, not intimidating, to which they can turn for guidance as they would to their family doctor, or as someone who can afford it would turn to his family solicitor.”

The Law Centres Federation (1985 p.2) has described law centres as:

“an essential part of a three-pronged legal service, consisting of Law Centres, private solicitors working under the legal aid scheme and other advisory services...Law centres are complementary to private practice solicitors and the Citizens Advice Bureaux. They fill a large gap in the existing provision of legal services.”

Law centres did not set out to replace the legal aid schemes or private practice. Rather they sought to fill the gap in provision that was the inevitable consequence of the legal aid system's orientation towards the traditional private practice model and the areas of law in which private solicitors traditionally practised. This gap left the most vulnerable people in society without access to what could be vital services. Clearly, the rationale for law centres is not the same as that for legal aid. They are not simply there to ensure that the poor have access to the same services as the not so poor: law centres do more than the straightforward individual casework associated with private practice. Although the

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<sup>10</sup> For an account of the events running up to and after the opening of the North Kensington Neighbourhood Law Centre, see Byles and Morris, 1977; Robinson et al, 1988; Stephens, 1990.

nature of the work varies from centre to centre, most adopt at least some additional strategies. They might provide legal support and representation for local community groups and other agencies, or campaign on issues affecting clients. Many adopt educational strategies aimed at the local population and other advisors on relevant areas of the law. Centres will also often respond, at both national and local level, to law reform proposals.

It has been argued that these aspects of a law centre's work are the most important: a proactive, rather than reactive, approach enables the centres to perform a preventative rather than merely remedial role (Campbell, 1980 (unpublished) as excerpted in Paterson and Bates, 1993 pp. 312-313; Stephens, 1982;1990). Many centres have taken on the role of 'law changer', whether by negotiating improvements in arrangements affecting the local community (for example tenancy arrangements), or by the use of test cases which can benefit a large group rather than just the individual litigant. The particular orientation of each law centre is determined by the centre's management committee, which is usually made up of members of the community, so the policy will often depend on local priorities. Inevitably, the concerns are frequently for the immediate and often individual problems of the local population. Accordingly, most centres devote considerable time and effort to dealing with these cases.

Because of the nature of law centres and the areas they serve, the branches of law covered are also somewhat different from those covered by the majority of those in private practice. The main areas are housing (including landlord and tenant, eviction and disrepair, and often on behalf of groups of tenants), social security, immigration, health (including mental health and disability), family, employment, debt, consumer matters and, as a more recent addition, environmental law (see LCF, 1992 and Annual Report, 1992/3 for a discussion of environmental projects and LCF, June 1991, for more detailed examples of work done by various centres). Again, the particular combination of specialisms depends on the area and indeed the solicitors in the centre. What is noticeable is the absence of the traditional areas of work from this list, such as conveyancing, wills and executry, financial and commercial work. These areas are

covered by the profession as a whole. As such, law centres are less likely to provide such services. Indeed, as described below, law centres were for many years required to undertake not to duplicate the services of local private solicitors in respect of such areas of work.

Law centres tend to be located in areas of multiple deprivation. In England this often means inner-cities (especially in London), while in Scotland many of the poorest areas are peripheral housing estates. These areas are not generally well served by private practice and even when solicitors are present they may not meet the needs of the local community. There is currently little systematic information available as to the types of legally aided work done by individual solicitors in specific locations<sup>11</sup>. However, given the focus of the legal aid scheme outlined above, it is likely that, even in many areas of multiple deprivation, most work is done in non-social welfare fields.

A picture emerges of a movement in many ways operating at the margins of the traditional legal aid system and indeed emerging as a result of the limitations of that system. The main proposition of this thesis is that the development of law centres has been far more restricted than one might expect, given that they appear to ameliorate a major weakness in a costly government-funded system. Before empirically exploring the birth, life and (sometimes) death of a number of individual law centres, two wider questions must be addressed. First, why had legal aid been regarded as adequate by those responsible for policy on publicly funded legal services? Second, why, when the inadequacies of that system became all too clear, did the law centre movement have to struggle to gain its place in the legal services landscape?

One obvious starting point is that, given the nature of services they provide, law centres require funding to operate. When they first emerged, some of this funding came from charitable sources, but it soon became apparent that this would be insufficient to sustain more than a few centres for a short time. Law centres could participate in the legal aid

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<sup>11</sup> Although see Paterson and Turner-Kerr, 1993.

schemes, but as we have already seen, this could only ever contribute towards some of the work law centres undertook. For a major expansion of centres to take place, there would have to be a ready source of funding.

However, no dedicated source of funding was ever established. Law centres were, for the most part, left to the mercy of local and/or central government to allocate funding on a case-by-case basis. While this might lead one to assume that the stilted and sporadic nature of law centre development is entirely due to the vagaries of their funding arrangements, that would be simplistic. However, as the starting point for this thesis is that law centre development has been more restricted than one might expect, such an apparently simple explanation has to be considered in some depth.

## THE URBAN AID PROGRAMME

The urban programme was the major source of central government funds for law centres. However, it was not specifically directed at law centres or tailored to their needs. As a result, they had to compete with other projects for the support of both the local authority that would have to sponsor the application (and provide 25% of the funds during the urban aid period of four to seven years) and central government, which would decide which proposals to back (and contribute 75% of funds). It is worth considering in more detail the background to the urban programme funds that were available at various points in the two jurisdictions and how law centres came (to at least some extent) to fall under its umbrella.

The urban programme was a successor to the Community Development Project (CDP) in England and Wales. In 1969 a Home Office Working Group proposed the formation of 12 pilot projects in areas suffering from severe social problems (Specht, 1976). Each project would be funded 75% by central government and 25% by local government, the split later retained in the urban programme. Local authorities appointed staff to the projects and further staff could be added through arrangements with existing community voluntary organisations.

The objective of the CDP was, through full-time staff, to co-ordinate the previously fragmented provision of services, even though the services themselves may be provided by organisationally separate agencies. In essence, the

“CDP was a unique effort by the central government to bring about a higher degree of interagency co-operation at the local level... to help local communities to use their resources as effectively as possible to deal with those aspects of the problems [e.g. unemployment, housing] that are manifest on a local level” (*ibid.* pp.9-11).

A number of the original projects included advice amongst the strategies used to address the problems identified and indeed what were to become some of the early law centres grew out of CDP projects. Thus, in contrast to the legal aid scheme, the CDP and, later, the urban programme, was far more closely targeted on the types of problems – and indeed strategies for addressing them – recognised by those promoting the growth of law centres. In some respects, particularly in comparison to the legal aid system, the urban programme appears to have been an appropriate source of funding for law centres, even though it was not specifically designed with them in mind.

In 1984, as the programme turned towards capital rather than revenue projects, urban aid was withdrawn for new law centres in England and Wales. This could be viewed as placing a severe limitation on any further growth of law centres in that jurisdiction. However, it is worth considering further why, even while it was available, that funding had not promoted a greater expansion of law centres. To understand more fully law centres’ apparently limited access to the available funds (and indeed the extent to which funding *is* the major determinant in whether, when and where law centres open) one would have to consider in more detail how the centres that became established did so. This is explored empirically in Chapter 5.

The withdrawal of urban aid funding in England and Wales did not mean that local authorities could not support law centres if they wanted to. It did, however, mean that they would have to cover the entire cost, rather than making a contribution of 25%. Even while urban programme funds were available, they would only cover the first few years

of a project, after which its continuation would be reliant on the willingness of the local authority to take on the full funding responsibility. Thus, if the withdrawal of urban programme support after 1984 was the major determinant of the lack of further law centre development (because local authorities would be largely unwilling to fully fund a new centre) one might also expect law centres to face funding difficulties when local authorities were required to take on the full funding responsibility at the end of the urban programme period. Thus in addition to considering law centres' ability to attract local authority support at the outset, it is also clearly important to consider the extent to which they manage to retain that funding when the local authority's responsibility increases. This is considered briefly in Chapter 4 and in more detail in Chapters 6 and 7, which explore the life and death of individual law centres.

The urban programme position in Scotland was somewhat different to that in England and Wales, as has been the profile of law centre openings. The first law centre opened in Scotland in the late 1970s with urban aid funding, as did most of those that followed in the early 1990s. What is unusual is that there were no centre openings in the intervening years, even though - unlike in England and Wales - urban aid funding was still available.

It would appear that decisions on the allocation of resources through the urban programme were not a result of any specific policy against law centres on the part of either local authorities or The Scottish Office Development Department (SODD) (which was responsible for approving applications). Rather, correspondence between SODD and one local authority suggests that they were as much to do with the overall approach of local authorities as they were to the merits of individual projects.

The bulk of urban programme spending in the early 1980s appears to have been devoted to capital recreation and leisure projects, such as children's play areas. In other words, the focus was not on projects such as law centres, designed to tackle the causes of deprivation, such as poverty, poor housing and lack of information/advice. No grants at all were made in Scotland in 1984. A number of local authorities met with The Scottish Office at this time and the programme was relaunched with more explicit criteria and an

indication of priorities. The years following this relaunch were characterised by huge competition for resources, with authorities submitting 'shopping list' style applications. The dangers of such an approach were clearly spelt out in communications from SODD such as the following, sent to Edinburgh District Council (EDC) in 1985:

“Authorities generally have developed extremely ambitious programmes... Some authorities have helpfully selected and submitted for approval only the highest priority projects. Others though have submitted all of the projects which they consider eligible and in many instances the total package of submissions is unrealistically large.”

At the same time, there was a perceived shift in the emphasis of SODD “towards community sponsored projects rather than those sponsored by the local authority” (report to EDC Economic Development and Estates Committee by Director of Planning, 8/9/86). The majority of applications over this period were rejected, the most common reasons being that they were too expensive to compete, did not target sufficiently the worst areas of deprivation and did not meet with the priorities of the programme.

It appears that the onus for ensuring that applications were developed with the pre-stated criteria in mind rested firmly with the local authorities. It might be argued that a more pro-active approach would have been preferable – The Scottish Office might perhaps have requested revisions or refinements to promising applications that nevertheless could not be supported in the form in which they were submitted. This essentially passive assessment process approach may have had more impact on larger projects such as law centres (which might be more ambitious and therefore less likely to be successful in their original form). However, the approach itself does not appear to have been differentially prejudicial to these particular projects. It was always open to authorities to submit revised proposals in subsequent years and indeed, as detailed in Chapter 5, a number of law centre applications were successful at the second or third time of trying.

The fact that funding was not made available for any law centres in Scotland between 1978 and 1988 cannot of itself be taken to prove resistance on the part of either central or local government to the idea of law centres, or even to community based projects



seeking to tackle multiple-deprivation. Official correspondence cannot necessarily be taken as evidence that political reasoning was not present. However, it does at least indicate that local authorities struggled for a number of years to make most effective use of the resources that were potentially available to them for projects of precisely that nature.

Informal discussions with officials in The Scottish Office department responsible for the administration of urban aid did not suggest any particular change in policy in relation to law centres in the early 1990s. However, officials did indicate that conditions for success became tighter in the late 80s and early 90s. As law centre proposals tended to have high revenue costs and with tight competition for resources, the implication was that it would often be more attractive to support several smaller projects than one large one. Thus the lack of funding for law centres during the 1980s was either a result of a lack of applications from authorities or excessively ambitious applications.

However, on 6/2/91 and again on 20/5/92, Keith Vaz, the Leicester MP who has himself been closely involved with law centres, asked Lord James Douglas-Hamilton, then the responsible minister, what plans the government had to increase the number of law centres in Scotland (Hansard, columns 276 and 241-2 respectively). The initial response was that there were no such plans, as local authorities were best placed to determine the need for a law centre. However, on each occasion Lord James also suggested that, were local authorities to submit urban aid applications in respect of law centres, The Scottish Office would consider these applications “sympathetically” (*ibid.*). Seven centres opened in the six years following that announcement. Despite this, officials insisted that there was no explicit change in the treatment of applications for any particular type of project at this time. Nevertheless, the *perceived* impact of the Minister’s statements is considered in Chapter 5 in relation to the application for Stonybridge Law Centre.

This discussion of the urban programme (and indeed other local authority-backed funding) suggests that it is indeed too simplistic to seek to explain the restricted development of law centres by reference to the lack of a dedicated central government

funding mechanism alone. The extent to which the availability or otherwise of funding explains the birth of law centres in particular locations at particular times is explored in Chapter 5. However, the fact that the focus thus far has been the urban programme and funding through local authorities serves to highlight the absence of that dedicated central government finance scheme.

It is clearly hugely significant that no central government fund specifically for law centres was ever created. We have already seen that central government at the time dedicated extensive funds to legal aid. That funding was based on the delivery of traditional services through the traditional structure of solicitors in private practice. As the salaried alternative emerged, the government did not recognise it with additional funds. However, as explored below, by the mid-1970s the Labour Lord Chancellor, Lord Elwyn-Jones, publicly voiced support for law centres and, at a time of severe constraints on public spending, took seven law centres under the wing of his department. Although this must have seemed like a new dawn for law centres, the funding provided was for centres at risk of closure (or, in the case of one centre in the West Midlands, refused start-up funding by its local authority). Although the funding for those centres was maintained in years to come, no additional funds were made available for further centres. This failure to fully support law centres with what they needed most - funds - might be assumed to be a key factor in their restricted development. However, even if this was the key determinant, one would still have to tackle the rather trickier question of *why* successive governments failed to establish a dedicated fund.

One other major factor stands out from the description of the early emergence of law centres. We have seen that law centres offer something different from the traditional private legal profession and that the collective voice of the legal profession was initially opposed to the idea of law centres. We have also seen that law centres require funding over and above that offered by the legal aid system and that the legal aid system is directed at the types of service traditionally provided by the legal profession. As will be discussed below, the profession's view dominated the development of the original legal aid scheme itself. This suggests that the role of the legal profession could be of key

importance in a number of respects. First, its direct opposition to the initial development of law centres. Second, its influence upon those in a position to support law centres through the establishment of funding mechanisms. Finally, its influence on those distributing what funds were made available.

## THE LEGAL PROFESSION

For many years the dominant view on the professions was that held by the functionalists, such as Parsons (1954). The functionalists only viewed as essential to professional status those attributes which were functional "for society as a whole or for the professional-client relationship" (*ibid.* p.33). Other theorists have identified a whole range of other 'traits' that define professions (Millerson 1964). Many of those who subscribed to the trait model stressed a number of common elements, but few identified the same essential features. This has led some to dismiss the approach as atheoretical, ahistorical and largely ethnocentric in that its utility can only be seen in relation to certain professions in certain places at certain times (Johnson 1972).

The key to professionalism for Johnson was the ability of the producer of a service to define "the needs of the consumer and the manner in which these needs are catered for" (*ibid.* p.45). This general theme of market control has also been expressed in relation to the legal profession by Abel (1979, 1986, 1988), who dismisses functionalism as "professional ideology cloaked in value-neutral garb" (1979, p. 82). Abel argues that entry to the profession has become more meritocratic as control has been taken out of the profession's hands and into those of the academic community. As a consequence, the profession has shifted its attentions from control of supply to control or manipulation of demand, although "lawyers have done so slowly, reluctantly and ineffectively" (1988 p.44).

Abel shows (*op.cit.* p.444) that the number of practising certificates issued by the Law Society in England and Wales rose from 24,407 in 1970 to 46,490 in 1985. At this time

of unprecedented growth, lawyers have sought new markets for their services. Of course, it is easier to stimulate demand where a third party is paying, as market mechanisms such as cost competition will not apply. Accordingly, Abel demonstrates that the number of firms receiving legal aid payments rose from 8,159 in 1975/76 to 10,836 in 1983/84. Statistics<sup>12</sup> confirm the expansion of the legal aid market during this period of professional growth. Between 1975/6 and 1995/96 (roughly speaking the period covered by this analysis of the development of law centres) the number of advice and assistance bills paid shot from 250,000 to over 1.6 million in England and Wales and from 30,000 to 270,000 in Scotland. There was also considerable growth in applications for civil legal, which reached a peak in 1992/93 of 473,000 in England and Wales and 36,000 in Scotland. This compares to figures for 1975/76 of 300,000 and 17,500 respectively.

Paterson (1987) has argued that this growth in legal aid work was not due to demand creation by the profession. He does, however, suggest that, in Scotland at least, “there is more demand creation by individual lawyers than by the profession acting collectively” (*op.cit.* p.101). Either way, the results have been startling. Many of those contributing to the increase in civil legal aid and advice and assistance seen over this period may be cross-subsidising this work within their practices. However, it seems extremely unlikely that so many firms would wish to join a market for non-profitable, loss-leading work. In the absence of competing explanations, the conclusion must be that, in an increasingly crowded market place in which fewer lawyers are able to expect the level of rewards traditionally enjoyed by the profession, lawyers have settled for the rate of return from legal aid work. However, despite emerging at what would appear to be precisely the best time, law centres have not, it would appear, shared in this expansion of business in the publicly funded legal sector.

While the legal aid and advice and assistance schemes will cover some of their work, the problem for law centres is that, as discussed above, there is no ready source of third

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<sup>12</sup> See annual reports of Law Society, Law Society of Scotland, Legal Aid Board and Scottish Legal Aid Board.

party finance for many of their activities. Thus even if legal aid has at least to some extent proven itself profitable enough to encourage a huge expansion, it does not recognise much of the work that law centres do. Lawyers in law centres cannot, therefore, simply survive by tapping into a latent market for these sorts of service. Thus it might be argued that those operating within the traditional structure of private practice have moved into the legal aid and, more recently and to a more limited extent, social welfare fields precisely because the system recognises this work and pays for it. However, the system has not been so receptive to those who seek to take a broader view of their role in relation to the legal (and wider) problems of the poor by adopting a range of campaigning and political roles designed to prevent the need for legal work as traditionally perceived.

Of course, the range of work carried out by law centres is just one characteristic that differentiates them from the traditional model. Although it has been argued (Cotterrell, 1992) and indeed demonstrated (Podmore, cited by Cotterrell *op.cit.* p.185) that there are great variations between legal firms (differentiated by sizes, organisation, areas of law in which they operate), private practice remains the dominant mode of provision of legal services in the United Kingdom (Abel, 1988). Law centre staff draw a salary rather than share profits, but this difference is not as great as it might at first appear: more and more lawyers, even within private practice, are now employees rather than partners. As such, the position of law centre staff is not so fundamentally different from that of solicitors in private practice.

However, their employment status is not the only organisational difference between law centre lawyers and many of their private practice colleagues. Law centres are, in theory at least, a grass-roots development, managed by and responsive to the communities in which they operate. Law centre lawyers are employed and guided by management committees rather than senior partners. Beneath this layer of overall management, they have often operated under a collective, rather than hierarchical, management structure and have also often operated alongside non-lawyers – including advice workers and community development workers – often on a pay parity basis. Their funding is

generally insufficient to provide for competitive salaries and its insecurity militates against the development of progressive career structures. Combined with the distinction between their areas of work and those of most of the rest of the profession, this suggests that law centres are a development almost apart from that of the traditional profession as a whole, as well as that operating within the legal aid system in private practice. It is this disjunction that appears to have caused the greatest problems for law centres in terms of their calls for dedicated funding and, consequently, in establishing themselves within the legal services landscape.

Cooper (1983) identifies the support of the legal professions' central representative bodies as key to the development of either a salaried or *judicare* service. The legal profession in the United Kingdom appears to have played *the* major role in shaping the private, profit-making profession-centred legal aid schemes when they were first developed. Thus the Law Society view prevailed, even at a time when other publicly funded services, such as education and health, were becoming, in effect nationalised. As Goriely (1994) notes, Aneurin Bevan felt that the proposals emanating from the Rushcliffe committee "gave solicitors too much power...Bevan considered that compared with his tough negotiations with the British Medical Association [over the development of the NHS], the Lord Chancellor had given in to the Law Society" (p.548). Despite going against the grain of the prevailing public service ideology of the time, there *was* still a strong salaried element to the proposals. However, the scheme that was eventually implemented was private practice focused and by the early 1960s any residual intention to introduce salaried services had disappeared.

As described above, the development of policy in the United States was somewhat different. Importantly, the salaried service that emerged did so with the support of the American Bar Association, who appeared persuaded of the merits of such a service over the *judicare* alternative propounded by some of its members (Johnson 1978). Thus, although having humble beginnings at the instigation of literally a handful of progressive thinkers, the concept of salaried services and neighbourhood law offices came to dominate the provision of legal services to the poor in the United States. There

had previously been little organised (and virtually no state-funded) provision. Accordingly, these radicals perhaps had a somewhat easier task than their successors in the United Kingdom, whose ideas flew in the face of the received wisdom of the legal profession and government (and, because they challenged the status quo, one might say to a certain extent the public). Thus the history of the inception of the legal aid system in the UK certainly suggests that the legal profession exercised the power it held very effectively. The profession ensured that, as the scheme developed, it would operate within the traditional structures of the profession, rather than radically reshaping them.

Functionalist theory relied largely on the view of professionalism espoused by professional bodies themselves. Its prevalence for many years (it was in the ascendancy until the end of the 1960s) indicates that these bodies had been largely successful in imposing their own ideological view on the wider community. Thus not only might the professions oppose developments which were a threat to the prevailing ideal, but those arguing the merits of such developments would find it difficult to arouse support from outwith the profession. Perhaps the best analogy to be drawn from the research literature is that of the emergence of non-medically defined models of health (Ham 1982 and Alford 1975 discussed by Ham and Hill 1993). The medical profession is dominant in this field and has successfully promulgated the medical model to the detriment of all others. While resistance to new models has been presented in terms of the protection of patients, the medical profession is also a major beneficiary of this state of affairs. Thus it is argued that the medical profession has exercised its power to maintain the *status quo*. As law centres can be regarded as a development which challenges the dominant paradigm in the legal field, it becomes apparent that the exercise of power by the profession and those who share its interests may have had a vital impact on their development.

Power can be exercised in a number of ways. The pluralist position, developed by Dahl (1957, 1958, 1961, also discussed by Ham and Hill *op.cit.*) and Polsby (1980) maintains that the exercise of power can only be observed by studying the outcomes of conflicts between competing interests. However, a second dimension of power was identified by

Bachrach and Baratz (1962 and 1963, also discussed by Ham and Hill *op.cit* and Lukes 1974). They argued that overt conflicts were not necessary for power to be seen to be operating and that 'non-decisions' were themselves an exercise of power. They later (1970) argued that power could be exercised by anticipated reactions. In other words, the dominant view could prevail even where no conflict arose. No conflict would arise because those who sought to challenge the orthodoxy might not even mobilise because of a perception that any such challenge was bound to fail. Lukes (*op.cit.*) went further than either the pluralists or Bachrach and Baratz to argue that even when there existed an apparent consensus, this consensus could be the result of an exercise of power. In other words, the dominant values can be imposed on others to prevent even covert conflict arising so that any conflict is latent: the conflict would arise if the actors realised that the consensus was not to their benefit.

To assess the relevance of this analysis to the development of law centres, one would have to identify the holders of power in this field. Cooper (*op.cit.*) argues that "public legal services policy in the United Kingdom have been developed almost exclusively by a small group of radical lawyers, paralegals and scattered community organisations, working in the field" (p.21). The corollary of this is that central government and professional bodies representing lawyers have played a very minor role, not only in the development of law centres, but also of the policies adopted by those centres. However, while Cooper suggests that the profession's contribution to the development of law centres has been all but non-existent, this does not mean that the legal profession has played no role at all. While the profession may have had little influence on the centres that did emerge, the focus of this thesis is why so few have in fact emerged. Could it be that the legal profession has had more to do with the *restricted* nature of the development of law centres than with the development that has taken place?

We have already seen that the legal profession had been dominant when the legal aid system was developed. By the 1960s, it found itself defending this system against a radical alternative, imported from the United States. As noted above, it did so by restating its position that private solicitors would be more effective than a salaried



service. Rather than being intransigent at this time, the government did legislate to widen the scope of the legal aid scheme. However, rather than legislating in favour of law centres, the Legal Advice and Assistance Act 1972 simply widened the range of services provided by private solicitors for which public funding would be available. As the first law centres began to emerge, a far greater growth occurred in the scale of private solicitor work under legal aid and, particularly, advice and assistance. Thus even though a real alternative was developing, official policy backed an extension of the *status quo*: “astute lobbying by the Law Society managed to ensure that the scheme remained a ‘judicare’ one, delivered in the traditional way, and dominated by traditional concerns” (Goriely, *op.cit.*, p555).

Nevertheless, while strongly supporting the private practice model, the Law Societies did also push for the development of a salaried component to the legal aid schemes. The Law Society of England and Wales recognised that “the establishment of the North Kensington venture is symptomatic of a lack in the national Legal Aid Scheme”. However, the Society argued that the answer was not to provide funding for independent law centres *per se*, but rather to allow the Society itself to establish a salaried service to work alongside private practice: “The Law Society is uniquely placed to achieve a co-ordination of effort and an efficient balance between private practice and salaried service ensuring the mutual support by the two sectors in meeting the needs of the public” (Law Society, 1975, p.8). This proposal had been made by the Society some years earlier and indeed powers to establish such a scheme were contained in the 1972 Act, and subsequently in the Legal Aid Act 1974. The relevant parts of the Act were not, however, commenced.

A year later, the Society was still calling for commencement but sounded even less convinced of the merits of law centres: “the Council do not accept that the community law centre is the only, or even necessarily the best method of providing legal services outside the medium of solicitors in private practice” (1976, p.4). The Law Society of Scotland was even less enthusiastic. In its annual report on legal aid for 1974/75 the Society noted that “[t]here has been some pressure in certain circles for a salaried

component to be added to the existing legal aid services but we have reservations as to whether this would be in the best interests of the public” (p.6). The Society’s view had not changed markedly when it came to submit evidence (1977) to the Hughes Royal Commission on Legal Services in Scotland. It argued that until the powers in the 1972 Act were commenced there was little the Society could do to assist the proposed pilot Southfield law centre. However, despite stating its willingness to learn from the experience of the pilot, the Society still maintained that the legal aid schemes were the most cost-effective means of providing services to those who needed them.

Thus the views of the two Societies varied slightly: while both would have preferred to be paying any salaries for solicitors that fell to be paid, only the Law Society in England and Wales actively pursued this option. It should be noted that there were no law centres in Scotland at this time, so the concept may have been somewhat more abstract for the Scottish Society. Nevertheless, the more proactive approach of the Law Society in England and Wales led to nothing. Its calls for power to run its own law centres fell on deaf ears, as did those of the Lord Chancellor’s Advisory Committee on Legal Aid (LCACLA). In its 1974/75 annual report, LCACLA suggested that there was

“virtually unanimous agreement amongst those who are active in the field of the legal services [that]...while it is important that full emphasis should be given to the work of private practitioners under the legal aid scheme...private practice cannot provide all that is needed...there is a clear case for salaried solicitors to be appointed to assist in doing the work” (p.50).

Although LCACLA reaffirmed its view that a Law Society scheme was most appropriate, it argued that the mechanism for appointing salaried solicitors was a secondary question as the need to do so was so urgent.

LCACLA recorded in its next report that the Lord Chancellor had revealed the findings of a survey into unmet needs that supported LCACLA’s previously expressed view. In announcing these findings, the Lord Chancellor had suggested that there was an urgent need for more law centres to be set up and that the funding of existing centres should be stabilised. LCACLA agreed, but suggested that improvements in financial eligibility for

the existing legal aid schemes should in fact take precedence. Further, it was suggested that any further expansion of law centres should be accompanied by the establishment of some form of code of minimum standards for and system of control of law centres. This would provide “security for the taxpayer and the ratepayer that the law centres do their job efficiently and give good value for the public money by which they are supported” (LCACLA, 1976 p.72). Although not proposing that the law centres should come under the control of the Law Society, LCACLA once again reaffirmed its view that the Law Society should itself be given the powers to establish its own law centres.

Thus although accepting the inadequacies of the legal aid schemes and the contribution made by law centres, both the Society and LCACLA fell short of recommending a radical shift in government policy. While law centres might merit greater support, this was not to be at the expense of the private practice model. Indeed, even if the concept of salaried services had gained some currency, it was not to be assumed that the independent model was best.

LCACLA had not previously elaborated on its reasons for wanting the imposition of standards on law centres. However, in its report for 1979/80, it made clear that its concerns related to the boundaries of the work undertaken by law centres and particularly the extent to which this could be interpreted as political: they should “avoid postures which misrepresent the purpose of law centres and unnecessarily embarrass or offend their funding agents” (p.104). Despite such concerns, LCACLA stated that “Law centres are now seen as an essential part of legal services” (*ibid.*). It is also interesting to note that at this time neither LCACLA nor the Society were calling for the Society’s powers to be extended to allow for the creation of alternative salaried services. By this time, of course, the broadly supportive Labour Lord Chancellor was no longer in office. If financial constraints had meant that, even when recognising their benefits, the government had previously felt unable to directly assist all but a few law centres, it seems unlikely that the incoming Conservative government would have more favourable priorities for scarce public funds.

The evidence suggests a slightly more complex picture than that painted by Goriely. The Law Society *was* seeking to preserve the private practice orientated judicare model, but also recognised the contribution to be made by salaried services and indeed was lobbying for the power to run them itself. The outcome of the post war debate on the structure of the legal aid system can be seen to reflect the power of the legal profession. However, the ability and inclination of the profession to exercise that power when law centres began to emerge are less than clear. We have already seen that the 1972 Act reflected the private practice model rather than the salaried alternative, clearly indicating that the influence of the legal establishment in maintaining the *status quo* was still strong.

However, law centres emerged anyway, a development set apart from the legal aid system and the traditional profession. Does this indicate that the profession was powerless to stop this development, as Cooper suggests?

The law centres were operating outwith the traditional realm of the legal profession. Thus there *was* little at a policy level the Law Societies could do to stop their development, or influence their internal policy decisions. However, the law centres did employ solicitors. Those solicitors were governed by the same rules as all others – the practice rules made by the Law Societies. Law centres and similar organisations would be unable to operate effectively were they to share the same prohibitions on the “unfair” attraction of business applied to other solicitors and the sharing of professional fees with non-lawyers. However, the Law Societies had the power to waive any of the rules in particular cases.

The Societies could, therefore, have effectively prevented law centres from operating as intended by refusing to waive the rules, either in general or for particular centres. However, the Law Society in England and Wales had been granting waivers in individual cases for a number of years when a particular episode changed the ground rules. LCACLA noted in its 1975/76 annual report that the Law Society had in fact been criticised for being “too cautious, restrictive and dilatory in their attitude” towards the

granting of waivers (p.70). LCACLA further reported that the Society had withheld a waiver from the Hillingdon Community Law Centre and that, in accordance with a previously agreed procedure, the case was referred to the Lord Chancellor. The upshot of the Lord Chancellor's consideration of the matter was, in effect, a rap on the knuckles for the Law Society. The Lord Chancellor determined that it was not a matter for the Society to consider whether there was a need for a law centre in a particular area if a funder had already determined that there was. The Society's decision was overturned, the waiver was granted and negotiations were initiated for the development of a proper framework for the determination of waiver applications.

These negotiations, involving the Law Society, the Lord Chancellor, the Law Centres Working Group (the precursor to the LCF) and other interested parties, led in 1977 to a note setting out the arrangements for dealing with applications for waivers. This note put in writing the Law Society's policy, which was that waivers could be granted as long as certain conditions were satisfied.

Paragraph 9(a) of the guidance note stated that the Society would "insist that there be a management committee which is independent of the funding agency and of central and local government...". Paragraph 9(b) required that management committees in seeking a waiver provided a general assurance that the centre in question would not undertake work in a range of substantive areas "[w]ith a view to ensuring that law centres do not duplicate the services provided by solicitors in private practice".

Decisions on whether to grant waivers and with what conditions would be made by the Society. However, aggrieved applicants would be able to have the matter referred to the Lord Chancellor to express a view as to whether the waiver should be granted, revoked or varied. The Society would then reconsider the matter, "taking into account the view of the Lord Chancellor". Thus the Law Society still had, to some extent, the power of life or death over law centres, although the circumstances in which this power could be used were at least rather more transparent than would otherwise be the case. This,

coupled with the right of reference to the Lord Chancellor, meant that the power could not be exercised arbitrarily.

Cooper's view that the Society was powerless to stop the development of law centres seems more sound in the context of the curtailment of its explicit power of patronage. However, as noted above, law centres needed funding as well as waivers to operate. The Law Society was not in control of individual decisions to award funding, but this does not in itself mean that the legal profession could exercise no power in this regard.

We have already seen that by the mid to late 1970s there was something of a consensus that law centres (or salaried solicitors in a more general sense) were a 'good thing', albeit some reservations had been expressed about the breadth of approach taken by some centres. As the Law Society was more or less party to this consensus it seems slightly odd to argue that the legal profession was at the same time exercising its power to restrict the development of law centres. However, it also seems slightly odd that this consensus existed, yet the levels of financial support that would have been necessary for law centres to become a fully established part of the legal services landscape were not forthcoming.

The real power, it might be thought, rested with central government, which had the potential to be at the forefront of law centre development. Although not involved to any great extent in the early development, by the mid-1970s central government showed to some extent that it was paying attention. The Lord Chancellor launched his 'life-boat' for seven centres and urban aid funding was made available for a number of others.

Thus central government played at least some part in encouraging law centres. However, policy was ad hoc at best and non-existent at worst. Responsibility was shared between the Department of the Environment and the Lord Chancellor's Department and the overall effect was patchy. The Labour government of 1976-9, which initiated the LCD funding, was, on the face of it, supportive of law centres. It set up the Royal Commissions under Benson and Hughes, which were to look at the whole question of the provision of legal services and both of which, to varying degrees, reported support

for law centres. However, as already noted, this government lost power in 1979, Benson and Hughes went largely unimplemented and law centres were left to fight their own corner with their local authorities for funding.

The question to be asked here is why a supportive government - spending a great deal of money on the legal aid system - did not act more decisively to secure a greater share of public spending on legal services for law centres. It is true that the 1970s were a time of severe economic constraint and any major expansion of expenditure was unlikely, no matter how supportive the government was in principle. However, it was shown above that the volume of civil legal aid and advice and assistance rose dramatically during the 1970s and 1980s. Indeed, the advice and assistance scheme itself was an extension of the legal aid system as a whole. The key point here is that these were legal services being provided in the traditional way. Law centres, on the other hand, were a totally new concept, challenging not just traditional ways of organising legal practice but also the types of service lawyers provided and the types of need they set out to meet. The support of the Law Society appears to have increased once it became apparent that law centres were not going to be a threat. LCACLA noted as much in its Annual Report of 1979/80:

“At first, law centres were regarded with some suspicion by many solicitors in private practice, because they feared that law centres would provide them with unfair competition. It soon became clear that those fears were not justified...the existence of a law centre stimulated rather than reduced the demand for the services of private solicitors.” (p.102; see also Kempson, 1989, for empirical evidence of this phenomenon)

It is also interesting to note that the development of law centres by this stage had been encouraging but hardly spectacular. The traditional legal profession could rest easy that law centres were not regarded by government - or even by themselves - as an *alternative* to the legal aid system, but as an adjunct to it. The ever-increasing finances being ploughed into the legal aid system were not going to be redirected towards law centres. Funding would only be forthcoming if economic conditions made it possible over and above the money going into the private profession through legal aid. Thus the dominant model had remained the dominant model – had effectively seen off the challenge of the

new – and could indeed benefit from the existence of law centres. There was, therefore, no real reason to oppose publicly what was viewed by almost everyone else that mattered as a positive development. As long as law centres could be kept on the margins, they were not a threat to the prevailing order. There was, therefore, no longer any need for the legal profession to oppose them actively, especially as to do so might have been perceived as a reactionary and protectionist stance.

Thus the evidence suggests that the legal profession did initially exercise its power to hold off the challenge of law centres. A pluralist analysis would have identified the exercise of this power when the 1972 Act bolstered the private model and, while recognising the salaried model, did so in the context of a Law Society run scheme. A second dimension of the profession's power (in other words, an exercise of power in the sense identified by Bachrach and Baratz (*op.cit.*) might be seen in the non-decision to provide financial support for law centres. There was no overt conflict to speak of here, but the profession's interest prevailed. However, one perhaps has to look to - or beyond - the third dimension of power identified by Lukes (*op.cit.*) to appreciate fully the policy process at the time.

There was an apparent consensus - as expressed by LCACLA - that the private model could not meet every need and that salaried services *were* needed. Nevertheless, the position adopted was that law centres could not benefit from this stated consensus at the expense of the private model. Thus there was another, largely unstated, consensus that the private model had to remain dominant. Radical change to the structure and orientation of the legal aid system to facilitate even a partial redirection of resources towards a salaried service does not even appear to have been seriously considered. One might conclude from this that the true power of the profession was, therefore, such that it was almost inconceivable that it would not remain the principle means of delivering legal services.

However, it is clear that not even the profession was initially so confident in its own power. Its initial opposition, its calls for power to run its own centres and, most



explicitly perhaps, the Hillingdon waiver episode suggest that the Law Society felt it had to be active in its defence of the *status quo*. However, no Society-run salaried service was established, despite the repeated calls from the Society for the commencement of the relevant legislation. Further, the Society also received a rebuke from the Lord Chancellor over its handling of the Hillingdon waiver request. These examples indicate that the Society's *direct* power was not as strong as it had been when the legal aid system was first developed. Thus it would appear that what ensured the perpetuation of the legal aid model was *not* this active exercise of power. Rather, it was adherence to the far more abstract traditional conceptions of how legal practice should be organised, what 'legal needs' the state should be seeking to meet and what kinds of strategies the services designed to meet those needs should adopt. This paradigmatic power showed itself to be greater than that actively exercised by the profession in opposition to law centres. As there was no great expansion in law centre numbers during the 1980s and into the 1990s, its resonance can also be seen to have continued long after that active opposition waned.

As well as more persistent resonance, the power of the dominant paradigms of legal practice, legal needs and legal services may also have had a wider reach than the power of the profession itself. It will be recalled that much funding for law centres came from local authorities, either independently or through the urban programme, and that local authorities accordingly had a role to play in the development of law centres. In examining this role, one might expect local authorities to have been less influenced by the posturing of the Law Society than central government (although potential opposition from the local profession may have had some impact). However, one must also consider the extent to which the power of the dominant paradigms made it difficult for local authorities to conceive of law centres as being the most appropriate method of meeting legal needs within their boundaries. Indeed, local authorities' conception of legal needs may also have been grounded in the dominant paradigm.

Thus far it has been assumed that those with most influence over the development of law centres have been those who might choose *not* to fund or otherwise support them. To

return to Cooper's argument, it was suggested that those with such power were at first unwilling and then *unable* to influence the development of law centres. As law centres were a development in many ways distinct and isolated from the rest of the profession and central government policies, the latter's power to stop their development would be limited. The key people here were those who *did* want law centres and made them happen and who would do so regardless of the support or otherwise of the government or legal profession. Nevertheless, without this support, particularly in terms of funding, the task of establishing law centres is more difficult. However, one cannot assume that even with their support, more centres would have developed. Chapter 5 will consider how far the theory of law centres as a grass-roots development is true of the centres studied for this thesis. However, assuming for now that the theory is valid, the power of the dominant paradigms could be such that it has also impacted on some of those at grass-roots level - including lawyers - who might articulate a need for a law centre or attempt to establish them. This too will be explored in Chapter 5.

While establishing a law centre is a challenge, so too is keeping it going. This will be explored in Chapters 6 and 7. Maintenance of funding is part of this challenge. However, a range of other issues have been identified. Paterson and Bates suggest that "the law centre movement in the United Kingdom has been dogged by three principal problems: independence, management and control; work style; and funding" (*op.cit.*, p.307). The suggestion that funding is but one of the problems implies that it cannot itself explain the restricted development of law centres.

However, the discussion in Paterson and Bates (*op.cit.*) does suggest further links between the role of the dominant paradigms, some of the problems faced by law centres and, consequently, their restricted development. For example, their discussion of independence relates to the control of the work of law centres by the Law Societies through their restrictive interpretation of law centres' purpose and the incorporation of this interpretation in waiver agreements. This has already been considered above. However, this is linked to the issue of work style. The various different strategies adopted by law centres have been outlined above. It was also noted that some had

argued that law centres should concentrate on proactive approaches rather than the reactive approach implicit in a casework orientation. Stephens (1990) in particular has suggested that the deluge of casework that open-door centres have to cope with often precludes them from adopting more radical strategies, even if the centres are keen to do so.

The Law Centres' Federation has argued that "one of the fundamental principles of Law Centres is that they should be independently managed by representatives of their local community" (1980). In its evidence to the Benson Commission, the Law Centres' Working Group (LCWG, the precursor of the LCF) stated that the role of such committees was to determine priorities and select "the appropriate combination of work-methods" (1976, p.46). It has been argued (Cooper, *op.cit.*) that management committees are not always effective in this role, in practice allowing either staff or external parties such as local authorities to dictate the direction of some centres. Whoever sets priorities, there is scope for disagreement as to whether they are appropriate.

Byles and Morris (*op.cit.*) record how differences of view over the appropriate priorities for the North Kensington centre emerged between the centre and the local authority funder, within the management committee and between different parts of the centre's client group. They note that the centre had, at the time of their study, stuck closely to the model identified in the statement of intent quoted above (to provide individual legal services to poor people) rather than seriously engaging in more radical and multi-faceted group-based and community work. While "representatives of the more radical movements in the community" (*ibid.* p.57) may have preferred to see the centre adopt a more broadly conceived model "the residents of North Kensington held very traditional views about the role of lawyers and of the nature of the service provided by the centre" (*ibid.*). Despite "a reluctance to become at all closely involved in what may be interpreted (very widely) as 'political' activities" (*ibid.*) both the local authority and some members of the management committee were concerned that the centre was in fact becoming associated with political issues.

The Benson Commission (1979) voiced a similar concern and indeed went so far as to suggest that law centres should concentrate on legal advice, rather than group and community work and campaigning (paras. 8.18-8.21). Prior (1984) has also criticised group work, arguing that “there is now ground for concern that group work is now being over emphasised in a number of law centres, especially in those centres where it tends to spill over into campaign work” (p.2597). This disagreement over the proper role of law centres can itself be viewed in the context of the dominant paradigms. The main issue has been the extent to which those in a position to fund law centres, or indeed those involved in their management and therefore in control of their policy direction, have viewed the more proactive elements of law centre work as going beyond their conceptions of legal services. Certainly, the Benson Commission, LCACLA and various local authorities have interpreted some of this work as ‘political’ rather than ‘legal’. There are some fine lines to be drawn between legitimate campaigning and group work on one hand and explicitly political activity on the other. However, the Benson Commission in particular demonstrated an unwillingness (or inability) to conceive of legal needs and legal services in a broader sense, going beyond the dominant paradigms. The extent to which such differences of view have affected the centres in this study is a key issue and one that is explored in detail in later chapters.

A final respect in which the dominant paradigms may have potential to cause problems for law centres again arises from the LCWG’s evidence to Benson (1976). This talks of management committees “imposing a demand upon the lawyers a demand for constant explanation in terms that are comprehensible by a lay Management Committee...preventing the lawyer from drifting back into a professional distance from the community and hiding in the shadows of professional or technical language and ideas” (p.47). This stripping away of the lawyer’s professional mystique may itself cause friction as it attacks one of the key aspects of professionalism – a shared knowledge and language that excludes non-members. It also suggests that management committees may struggle to keep the lawyers ‘in check’ and ensure that they are doing the work the community needs and not necessarily that which the lawyer thinks best. As noted by

Cooper (1983, p.114), this danger was expressly recognised by the Brent Community Law Centre, which suggested that:

“lawyers, left to their own devices, tend to resort to well-tried, safe methods of solving problems – and will consequently tend to devote their energies to those problems which are capable of solution by those methods.”

Thus management committees may not only be challenging lawyers’ professional culture, but also their professional judgement. However, Cooper also found that not all management committees were so ‘in control’. In one of the centres he studied it was:

“simply unclear who controls the policy of the Centre...The structure of the Law Centre’s management committee has...been ineffective in allowing for any genuine consumer control...it allows and demands that most policy decisions are taken by staff” (*ibid.* pp.130-134)

This discussion suggests that the relationship between management committees and legal staff may be fraught with difficulties, precisely *because* the law centre model differs from the professional norm. However, previous studies have also identified problems within law centres that do not at first sight appear in any way related to the power of the legal profession and the dominant paradigms, however broadly conceived. For example, Byles and Morris found that the management committee at the North Kensington centre was unsure as to its own role. Uncertainty as to committees’ areas of competence may also in part have given rise to another concern expressed by the Benson Commission that “the present system of management has not in all cases prevented poor internal administration”. Thus while this study sets out to test the hypothesis that the power of the profession and the dominant paradigms lies behind the restricted development of law centres (‘the power hypothesis’), it is also fully expected that further issues will emerge that may or may not impact upon the explanatory resonance of the hypothesis.

## CONCLUSION

The above discussion clearly demonstrates that law centres have struggled to gain a footing in the legal services landscape in the UK. This is despite their acceptance in other jurisdictions and (eventually) an apparent consensus in the UK that they offer an effective means of meeting the legal needs of the poor. The absence of a dedicated central government budget for law centres appears at first sight to be a strong reason for their restricted development. Although government has for over fifty years funded the provision of legal services to those who could not themselves afford them, this funding has been based on the assumption that the services required by the poor are broadly speaking the same as those purchased by those who can afford to do so. This assumption is reflected in the types of services available under legal aid and the private practice orientation of that scheme, both when it was first introduced and as it developed. This private practice orientation itself stems from the dominance of the legal profession in the post-war policy-making process.

However, while the legal aid schemes may go some way towards ensuring procedural equality, their ability to tackle the problems of poverty in a wider sense has been limited. For the law to be a tool in the fight against poverty and its consequences, a more sophisticated model was required. Law centres offered such an alternative. As such, they challenged the received wisdom about legal needs and how legal services should be provided. At first, this meant that they were treated with suspicion by the legal profession, which actively opposed their development. However, the legal profession's attempts to wield its power directly to restrict this development were not particularly successful. In any event, the direct opposition was fairly short-lived and faded away as the consensus referred to above emerged. And yet that consensus did not result in a change in government policy or the establishment of a dedicated budget. The analysis in this chapter suggests that the absence of such a budget was not so much the result of the legal profession winning any explicit debate as to the most appropriate mechanism for the delivery of legal services, as it had in the immediate post war period. Rather it was a

result of a failure of government to see beyond the dominant paradigms of legal practice, legal needs and legal services. Even in the absence of overt (or for that matter covert) conflict, the power of the profession and the dominant paradigms was such that a radical shift in government policy was simply not on the cards.

If the profession and dominant paradigms were as (subtly) powerful as this analysis suggests, they might also be expected to have an influence beyond the realm of central government policy. Thus they may also affect local authority thinking and those at grass-roots level who might attempt to establish law centres. Nevertheless, it also seems likely that, the further one gets from the legal establishment, the more important other factors will be.

It is also important to recognise that for law centres to become established as part of the legal services landscape, they not only have to attract funding, but also retain it. The brief discussion above of the problems of maintaining independence and management control suggests that law centres will face challenges as their lives progress. A number of these challenges can also be seen to relate to the law centre model's own challenge to the traditional way of thinking about not only the delivery of legal services to the poor, but also the nature of (legal) professionalism.

The empirical evidence presented in Chapters 5, 6 and 7, relating to the emergence of particular centres and the issues that confront them throughout their lives, provides the basis for an appraisal of the power hypothesis. The analysis of the evidence (focusing on the extent to which the restricted development of law centres is indeed a result of the power of the profession and the dominant paradigms) is set out in Chapters 8 and 9. By focusing on individual centres rather than the macro level considered in the foregoing discussion of central government policy, this analysis explores the limitations of the power hypothesis as an explanatory framework for the development of a largely locally focused phenomenon.

## CHAPTER 3: METHODOLOGY

As set out in the previous chapter, the literature on law centres suggests that, directly or indirectly, the role of the legal profession and the dominant paradigms of legal practice, legal needs and legal services have been of primary importance in restricting the development of law centres. The restricted nature of this development has not gone unnoticed (Smith, 1995; Prior, 1994), but it has been little researched. Previous research studies relating to law centres have focused on their operation, work and internal processes (Byles and Morris, 1977; Cooper, 1983; Hiscock and Cole, 1992; Nicol, 1995; Sherr and Domberger, 1982; Stephens, 1990). There is also ample descriptive literature relating to the initial policy discussions leading to the development of law centres as a concept (Stephens, 1992; Zander, 1978). The circumstances surrounding the emergence of particular law centres have been described in the research literature. However, this has generally been provided by way of background (Stephens, *op.cit.*; Zander, *op.cit.*), although the impact of early decisions on the subsequent work and operation of centres has also been identified (Byles and Morris, *op.cit.*; Cooper, *op.cit.*).

Missing from the literature is a comprehensive description of the law centres movement, or rather of all of the individual centres of which the movement is comprised. As noted above, the literature provides examples of the work of some centres, as do annual reports of individual centres. A report by Nicol (*op.cit.*) for *Justice* attempted to review the funding arrangements for all centres, based on an analysis of annual reports. However, reports were not available for all centres and not all available reports provided the necessary information, or at least not in a useable format. Given this gap, it was decided that a starting point for the present research would be to compile a database on law centres. This would cover a number of variables, including dates of opening (and, in some cases, closure), funding, staffing, areas of work and types of work. A descriptive analysis of the data is presented in Chapter 4 and Appendix 2.



Many of the variables included in the analysis set out above are primarily descriptive. However, this study sought to go beyond description. The literature and the analysis of the characteristics of the centres and the work they do suggested a number of possible explanatory factors for their development. Two issues appeared particularly relevant. Firstly, central and local government funding was clearly of key importance. This suggested that the political representation of the areas in which law centres are located might be an important factor in explaining why centres exist where they do. A second major theme was the concern for the position of the poor evident in the focus of the work of the centres, and indeed the stated philosophy of the law centres movement. This focus on social welfare law suggested that a demand for law centres is most likely in areas of multiple deprivation. Accordingly, local political control and area-based measures of deprivation are both analysed in Chapter 4<sup>13</sup>.

While this analysis sought to test whether these factors had an impact on the development of law centres, it could not explain why or how they did so. In particular, it could not test the power hypothesis, as formulated in Chapter 2. The power of the profession and dominant paradigms is an abstract concept. The review of the literature also suggests that its impact has been diffuse: the power appears to have been exercised directly, indirectly and also perhaps inadvertently. Consequently, no quantitative measures of this impact exist. The diffuse nature of the exercise of power means that it cannot simply be studied by observing the outcome of particular policy debates (Dahl, 1958). The literature enables an analysis of the success or otherwise of this sort of exercise of power in relation to the national policy debate on the value of law centres (or salaried services in general). As shown in Chapter 2, the policy of central government and the actions of the legal profession (as represented by the Law Societies) were of great importance in this regard. However, the extent of the development of the law centres movement has not simply been decided by national policy. Indeed, it is the lack of a coherent national policy that has resulted in the *ad hoc* development of centres.

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<sup>13</sup> A database was constructed in *Claris Filemaker Pro* for the data on centres and in *Microsoft Excel* for data on deprivation and political representation. The data were then extracted and analysed using *Statview*.

Further, a review of the national policy process does not necessarily reflect the development of policy at local level. This is particularly important in relation to an essentially locally focused phenomenon such as law centres: actions – and the influences on actions – at the micro-level may well be different to those at the macro-level.

The overall development of the law centres movement is itself an aggregate of the development - and survival - of individual centres in particular places at particular times. Thus to explain the overall pattern of development of centres, one has to consider not just the national policy process, but also the circumstances surrounding the development of individual centres.

In seeking to test the power hypothesis, one would ideally seek to study *non*-development, rather than development itself. Clearly, the fact that a number of law centres have been established means that the power cannot be such that it completely inhibits the establishment of law centres. However, nor does the establishment of these centres mean that the profession and the dominant paradigms have no power, or that such power as exists has had no impact on centres.

Examining individual centres would allow one to assess the impact of the power, rather than its existence *per se*. For example, it might be found that the strength of the dominant paradigm makes the development of centres more difficult and that it will only be overcome by those seeking to establish a centre where some other conditions apply. Further, even where a centre has become established, it is possible that the power of the dominant paradigm is such that it brings unwanted challenges to the centre. The life of a centre may become so difficult that others with a stake in the centre, such as funders, become less inclined to see its merits. In an extreme case, these challenges might themselves be a factor in the closure of a centre. The experiences of one centre may also discourage those considering the establishment of further centres.

To test the power hypothesis in relation to the development and survival (or otherwise) of individual centres would require an understanding of events and processes at a local level. The number of law centres is such that, even in the context of the time and

resources available for the study, a superficial examination of all centres would be feasible. However, such an approach would be unlikely to foster an understanding of local processes at the level of detail required for a thorough assessment of the power hypothesis. To gain a sufficiently detailed understanding would require the collection and analysis of extensive qualitative data on the emergence and lives of centres. To do so for every law centre would be beyond the resources of the study.

Accordingly, it was decided that the study should seek to assess the power hypothesis based on in-depth case studies of a number of selected centres. As the discussion in the following section explores, the adoption of a case study methodology inevitably limits the extent to which the study can claim to assess the resonance of the power hypothesis in relation to the development of the law centres movement as a whole (except insofar as that development was dependent on the influence of the profession and the dominant paradigms on the outcome of the policy process at a national level, as explored in the preceding chapter). Nevertheless, only the case study approach could have yielded data of sufficient quality for an adequate assessment of the power hypothesis at any level.

## **CASE STUDY METHODOLOGY**

The purpose of the case study is, by and large, to provide detailed information about the case itself, rather than to allow for generalisation from one example of a particular phenomenon to a larger whole. As Stake (1995) argues “Case study research is not sampling research. We do not study a case primarily to understand cases. Our first obligation is to understand this one case” (p.4). Others are even more explicit in their rejection of the process of generalisation as an aim for case studies: “The interpretivist rejects generalization as a goal and never aims to draw randomly selected samples of human experience...Every topic...must be seen as carrying its own logic, sense of order, structure and meaning” (Denzin, 1983, pages 133-4). However, as Schofield (1993) notes, “not all researchers in the qualitative tradition reject generalization so strongly [although] many give it a very low priority or see it as essentially irrelevant to their

goals” (p.201). Nevertheless, much of the methodological literature on case studies considers methods for ensuring the wider relevance of individual (or multiple) case studies. In many respects, this follows the increasing use of made of qualitative research in policy or evaluation research, in which the interest lies not so much in the single case as in what it can say about a wider policy.

For example, Anderson and Sawyer (1999), in evaluating the impact of a locally-based but nationally-driven campaign to tackle the problems associated with under-age drinking, recognised that “it was misleading to talk of a single campaign, since...the form and precise objectives of the initiatives varied greatly” (p.4). Resources and time constraints did not permit a full examination of each project, and a higher-level national evaluation would not take sufficient cognisance of the local nature of the projects. Accordingly, a number of projects were selected for case study on the basis of their “diversity in terms of the social and geographic characteristics of the areas and the form and objectives of the actual initiatives” (p.6). The purpose of conducting such a multiple case study was to identify the range of factors that might be present, rather than to enable the researchers to assert that the identified factors could be assumed to be present in all examples. Nevertheless, policy makers would wish, if not ideally to draw conclusions about the campaign as a whole, at very least to ‘learn lessons’ from the projects studied with a view to assessing the value of the campaign.

To apply the traditional language of generalisability (or external validity) to the present study, one would be seeking, through the analysis of the development of one or more centres, to assess the explanatory resonance of the power hypothesis in relation to the development of *all* centres (and, therefore, the law centres movement as a whole). For example, it might be found that the dominant paradigms had little influence on the development of the studied centre(s). Based on that finding, one would wish to assert that their power could not explain fully (or even largely) the restricted development of the law centres movement. In addition, one might posit an alternative explanation that emerges from the study itself. As Robson (1993) notes, however, this argument proceeds on the basis of “a very common misconception...that [studying more than a single case]

is for the purpose of gathering a 'sample' of cases so that generalization to some population might be made" (p.161).

Yin (1994) considers this point in detail. He argues that when one seeks to generalise from the findings of a case study, or even multiple case studies, one is not doing so in the traditionally recognised sense, which relies on sampling and statistical measures of confidence. Instead, one is seeking analytic generalisation. Rather than considering the object of each case study to be a sampling unit, an increase in the number of which allows more confident statistical generalisation, he argues that "multiple cases... should be considered like multiple experiments (or multiple surveys)" (p.31). Whereas the quantitative researcher may seek to generalise their results to a larger universe (from which the sample was drawn), the case study researcher "is striving to generalize a particular set of results to some broader theory" (p.36). Similarly, following their consideration of the use of case studies in developing theory, Hall, Land, Parker and Webb (1975) conclude that the approach is "justifiable and profitable" if employed in "a disciplined way" and with reference to an "acknowledged conceptual framework" (pp.16-17).

Thus a single case study can allow the researcher to develop a theory that can itself then be tested in relation to other cases. This is what Yin calls replication logic, in contrast to the sampling logic of quantitative research. One can use the theory (either generated or confirmed) by an initial case study to identify other situations in which it is predicted that the same outcome will (or will not) apply. If these replications - achieved through further studies - do not in fact support the theory, the theory itself must be modified.

It follows that an exploration of the development of multiple law centres – let alone a single centre – could not provide an explanation of the restricted development of the law centres movement. However, by studying enough carefully chosen centres one could assess whether the hypothesis is valid *for those centres* and, if not, put forward alternative hypotheses. If valid, support or otherwise for the theory in relation to a number of centres should follow a predictable pattern, based on the presence or absence

of identifiable features. Replication logic would suggest that the theory might also be expected to apply to other centres that shared the relevant features (or not to apply to centres in which these features were absent). If the theory were confirmed in relation to *every* centre studied and *all* of the relevant features were known to be present in *every other* centre, one might be fairly confident in predicting that the theory would also apply to those other centres. Only in these circumstances might one claim that the theory explained the development of the movement as a whole.

Early analysis suggested that there was great variation between centres. It could not be known until the case studies were carried out whether or not this variation was in respect of the features relevant in explaining the development of the centres studied. However, it seemed likely that different reasons for development would be identified, each one perhaps specific to the centre being considered. At an early stage, it appeared possible (or indeed probable) that the development of each centre would be intimately related to its individual circumstances at a particular place and time. This suggested that the conclusion from the research could be that there was no over-arching explanation for the pattern of development of the movement as a whole. Although such a conclusion would not be particularly enlightening in a theoretical sense, it would mean that the hypothesis had not been supported. Thus the research started out with the aim, firstly, to assess the power hypothesis and secondly, to the extent that it was not supported, either to reformulate the hypothesis or generate an alternative, or range of alternatives.

The multiple case study approach was ideally suited to both of these aims, as it would also allow for the possibility of testing alternative hypotheses. However, it must still be stressed that, at one level, any hypotheses generated would relate only to the centres on which case studies were carried out. Thus this study did not set out to explain the development of the law centres movement. Rather, through the adoption of a case study methodology, it aimed to be both descriptive and explanatory, to test the power hypothesis in relation to a number of centres and, in all likelihood, to generate alternative hypotheses.

## SELECTION OF CASES

As discussed above, it is not helpful to think of selection of cases in terms of sampling i.e. seeking representative cases from which one can generalise to the population as a whole. Nevertheless, it was important that the selection of cases follow some logic. While Stake argues that it might be useful to select typical cases, a number of other possibilities may be more useful. In the context of this research, it certainly seemed that an approach based on typicality would be difficult not only to justify but also to achieve. In the context of his arguments about replication logic, Yin suggests that the cases selected for a multiple case study should be those that are either predicted to confirm or refute the theory (for predictable reasons). Clearly, this is only a suitable strategy when the theory is well developed and the features of the cases that are expected to confirm or refute the theory have not only been identified, but can be recognised in particular cases before the study is carried out.

A similar approach is suggested by Schofield. Linked to her arguments about improving the generalisability of case study findings, she argues that “selection on the basis of typicality provides the potential for a good ‘fit’ with many other situations” (*op.cit.* p.210). However, she does recognise that “even if one could achieve typicality in all major dimensions that seem relevant, it is nonetheless clearly true that there would be enough idiosyncrasy in any particular situation studied so that one could not transfer findings in an unthinking way from one typical situation to another” (*ibid.*). In an exploratory (or even partially exploratory) study, one may not be confident about which variables are relevant, or predictive of particular results. One may not know enough about the phenomenon to be able to identify the typical, or knowledge of the phenomenon may suggest that there is no typical to identify. In such circumstances, an alternative approach to selection is clearly required.

Stake suggests that when selecting cases for a multiple case study “balance and variety are important; opportunity to learn is of primary importance” (*op.cit.* p.6). Schofield also suggests that for multi-site studies, the selection of heterogeneous sites can produce very

robust findings – if the same finding emerges from sites with different characteristics. Hakim (2000) also suggests that “there is an advantage in selecting [cases] so as to cover the known range and variation, perhaps starting with both extremes” (p.62). Although the selection of sites that vary in particular ways might suffer from the same obstacles as the selection of sites that are very similar – knowledge of variation and its relevance – Schofield offers an alternative way of approaching the problem:

“Although the most obvious comparative strategy is to select cases that initially differ on some variable of interest as part of the research design, it is also possible to group cases in an *ex post facto* way on the basis of information gathered during the fieldwork” (p.212).

While the result of this strategy may be that all of the cases actually turn out to be very similar in most relevant respects, it does take account of the difficulties of selecting cases for a multi-site exploratory study. As noted above, the present study combines explanatory and exploratory objectives. It would also be misleading to suggest that too little was known about law centres in the United Kingdom for one to distinguish one centre from another in respect of certain variables. However, the theory relating to the role of the legal profession was not sufficiently well developed to allow the selection of cases based on variables predicted to produce the same or different results. Thus the selection of cases progressed on the basis of a combination of the strategies explored above.

At the outset, the two variables of greatest interest were those that distinguished centres in terms of the nature of their development (the phenomenon to be explained) and the power of the dominant legal paradigms (the putative explanation). To take the nature of development first, one of the initial purposes of the study was to describe the development of the individual centres. Detailed information on the development of centres was available only in relation to those centres that had been the subject of previous study e.g. the nation’s first centre in North Kensington (Byles and Morris, *op.cit.*). The only aspect of development that was known for all centres was the timing of their opening (and, in some cases, closure). Following the ‘extremes logic’ proposed



by Hakim, this suggested that the study should include some early and some late developers, with some of those that developed in between perhaps providing additional interest.

In respect of the power of the dominant paradigms, it was noted above that no real measures of this exist in relation to individual centres. Thus to seek variation in this regard, one would have to seek out some proxy. As the starting point for the study was the role played by the legal profession, this appeared to be a useful avenue. The clearest variations, based on the evidence reviewed in Chapter 2, were those between the early position of the Law Society in England and Wales and its later position. This would again suggest a focus on early and late developers. However, another variation was also noted in Chapter 2: that between the approach of the Law Society in England and Wales and its Scottish counterpart. Just as the legal system of Scotland is a separate entity to that in England and Wales, so is the Scottish legal profession and its representative body.

Thus a strong rationale existed for the study to be comparative, not just between different centres, but also across national boundaries. Not only are the legal professions separate (and so perhaps also their power and role in the development of law centres), but the analysis of the pattern of law centre development is also sharply delineated along national lines. The majority of law centre openings occurred in England and Wales in the 1970s and early to mid-1980s. By contrast, only one centre opened in Scotland in the 1970s, with the remainder getting going only in the late 1980s and early to mid-1990s. Thus a multi-site study based on one group of law centres in Scotland and another south of the border would also encompass the variation noted above in the stages at which law centres had developed. Further, a number of law centres in England and Wales have closed, while none in Scotland had at the time of this study. All of this points to a difference in development and, perhaps, a difference in the role of the legal profession and the dominant paradigms – the two key issues emerging from the working hypothesis.

Having settled on a comparative approach, the next decision was which individual centres to include in the study. The application of explicit selection criteria here was more complicated. Relatively little was known about the Scottish centres. As noted above, one centre opened in the 1970s, with the rest opening within a few years of each other a number of years later. Of the later centres, it was known that one was considered atypical, even by the heterogeneous standards of the movement as a whole. This would, therefore, be an interesting centre to include. Of the others, all had opened under the same funding arrangement (the urban programme) and all but one were within the same regional council area. Within this area, most of the centres were within the main urban area, with three located in other towns and different lower tier administrative areas (both to each other and to the other six centres). The importance of funding from both tiers of local government meant that this variation was itself of interest. Given that there was only a total of nine centres in the region, the idea of studying all of the centres was immediately attractive, being not only manageable but also incorporating both variation and similarity within the selection. Further selection (beyond choosing Scotland and this one administrative area) might have risked the exclusion of some cases on spurious grounds, thus potentially limiting the 'learning potential' of the study. A study of all of the centres in the area not only removed this risk but also provided a rationale for selecting cases from amongst the far larger and more geographically far flung range of centres in England and Wales. Thus the study became a comparison between the development of centres in two identifiable geographic areas.

The next step was to identify a suitable English comparator. Analysis of the geographic spread of centres revealed that there were a number of urban areas containing multiple centres. While one of these contained too many centres to be manageable, most others contained too few centres. Of the remaining areas, one stood out as offering a good match to the Scottish area. A largely urban area, it had fallen within the boundaries of a single metropolitan county council (until abolition in 1985). It contained one large urban area and several other, smaller urban areas, each of which had its own local authority. Administratively, therefore, it was comparable to the Scottish area. Seven centres could

be studied in this area, making it manageable. However, the most striking reason for the selection of this area was the pattern of development of centres within the area, which largely matched that of England and Wales as a whole. A number of centres had opened in the 1970s, with others in the early to mid-1980s. None had opened since this time, in stark contrast to the Scottish area. A further point of interest was that, again in contrast to the Scottish area, several of the centres had closed. Thus, there were points of comparison and contrast with the Scottish area. In addition, each of the areas alone contained sufficient variation in law centre development and administrative arrangements to stand as useful case studies on their own (although to what extent these variations would offer an insight into the development of the centres was, at this point, unknown).

## DATA COLLECTION TECHNIQUES

Having selected the cases to study, the techniques for the collection of data had to be chosen. Case studies have traditionally been associated with a range of data collection techniques, often used in combination (Hakim, *op.cit.*; Yin, *op.cit.*). As Hakim notes, “the use of multiple sources of evidence [allows] case studies to present more rounded and complete accounts of social issues and processes” (p.61). Yin describes six sources of evidence for case studies: documentation, archival records, interviews, direct observations, participant-observation and physical artefacts. He suggests that “the various sources are highly complementary, and a good case study will therefore want to use as many sources as possible” (*op.cit.*, p.80).

The constraints of time and resources, especially given the number of sites to be studied (not to mention that a number of the centres were now defunct) meant that both forms of observation were rejected for this study. Nor were physical artefacts relevant for the study of a phenomenon such as law centres. Archival records, such as case files, would be extremely useful for a study that aimed to describe or evaluate the actual work of the centres, but this was not the objective of this study. Although some archival records

might help provide a more detailed context for the research, they would do relatively little to help explain the process of birth, life and death of the centres. Accordingly, it was decided that records would be considered where available, but they would not form a principal part of the data collection. The great majority of data for the study, therefore, would be collected via documents relating to the centres and interviews with key actors.

The importance of documents for this study could not be under-estimated. Annual reports, correspondence, committee meeting minutes, council reports, leaflets, flyers and press cuttings conveyed a huge quantity of rich information. As many of the events that were being studied occurred some time ago, the research was quasi-historical in nature. In some cases, documents might be the only source of information about particular events. Where interviewees were available to recount events, documents would not only provide an important source of lines of inquiry but also act as a form of corroborative evidence for the accounts given. Thus to the extent that interview and documentary evidence (or indeed different interviewees or different documentary sources) covered the same events, they would provide a degree of triangulation for each other (Denzin, 1988; Robson, *op.cit.*; Yin, *op.cit.*).

Other than the existing literature, the major sources of documentary information were the law centres themselves. Much of this information (including most of that used for the quantitative study) was held centrally by the Law Centres Federation (LCF), the representative body for law centres (until the establishment of the Scottish Association of Law Centres (SALC) which followed the Scottish expansion of the early 1990s). Further documents were provided by some of the law centres, as well as interviewees, while still others (principally council reports) were to be found in libraries or provided by councils.

Despite the wealth of documentary evidence held by the LCF (and the generous access to it provided by the LCF), a number of limitations should nevertheless be made explicit. Firstly, most of the data related to the English centres. The collection of documents had built up over the years as the LCF had dealt with individual centres. The records held by

SALC, on the other hand, were virtually non-existent. This is largely due to the fact that at the time of the study it was itself a very young organisation. It was also unfunded, meaning that it had no staff as such, with representatives from the individual law centres running it as time allowed. Further, most of the law centres themselves were also very young, so there were perhaps fewer documents to be collected. The exception was the one centre that had opened in the 1970s. It had been a member of the LCF for many years, unlike the more recent Scottish centres, and so a file existed within the LCF.

The other consequence of using the LCF's rather *ad hoc* collection of documents was that the quantity of available data varied greatly between the individual centres. Some information was available for all centres, but whereas in some cases this was little more than a few letters, annual reports or the centres' responses to various LCF circulars or surveys, other files were extremely detailed. In some cases this was the result of investigations and inquiries carried out by the LCF into specific events at particular centres. In others, it was clear that centres that had closed had 'donated' their own collection of documents to the LCF. In attempting to construct life histories for the centres in the study group, therefore, many gaps would have to be filled via interview data.

A further issue was that the data held by the LCF (as with many pre-existing sources of information) had not been collected for research purposes. The major exceptions to this were the survey responses mentioned above. The LCF had twice surveyed all law centres, once in 1987 and again in 1995. The first of these surveys provided a sampling frame for a research project to develop an evaluative framework for law centres (LCF, 1988). The second updated much of the information collected. The data was largely descriptive – detailing such aspects of the centres as their sources and levels of funding, the size of catchment areas, the types of work carried out, client groups targeted etc. These responses, along with annual reports, provided the bulk of the data upon which the analysis in Chapter 4 was based (the particular limitations of this data are also discussed in Chapter 4).

Despite the inherent limitations, the documentary evidence examined provided, to varying degrees, rich and detailed accounts of many of the key events in the centres' lives. While this provided a strong basis on which to identify relevant interviewees and focus the study, it also provided evidence for the testing of the power hypothesis (and development of alternatives) in its own right. However, although in many cases detailed, documents do not provide an opportunity for further probing. Interviews with key actors were, therefore, a vital source of additional data for the study.

The documentary evidence suggested that in many cases a single centre would have provided more than sufficient interest to justify a single case study approach. Given the sometimes long and often eventful lives of the centres, it would have been impossible to interview everyone who might have played a role in the birth, life and, where it was no longer functioning, death of each centre. Members of staff, members of management committees and others – such as funders – who had been involved in a centre from beginning would have been too numerous to be feasible. It was, therefore, decided that the study would focus on up to three key elements of each centre's story.

Firstly, the study would consider the birth of each centre. This is clearly a very important event in exploring the development of any law centre. Wherever possible, the key actors in the process of establishing the law centre were identified. This was done through a combination of the documentary evidence, discussions with the LCF and suggestions from other interviewees, whatever stage of the law centres' lives from which their experience stemmed. Clearly, it was harder to trace respondents who were no longer involved in the centre and this was particularly likely to be the case in relation to the older centres (or those that had closed). In only one or two cases, however, was it impossible to trace those directly involved. A 'next best' strategy was adopted in these cases. Events were reconstructed from documentary sources, augmented by the accounts of those who, although not directly involved in the birth of the centre, did have some early involvement or could for other reasons offer a particular insight.

Secondly, at the other end of the life-cycle, a number of centres had closed. Again, much information was derived from documentary sources, which also helped identify those who were involved in the centre at the time of closure, or who had a detailed knowledge of the events leading to closure or its causes. In many instances, the documentary evidence suggested that closure often followed periods of difficulty or conflict within the centres involved.

Finally, an additional area of interest for the study was why these kinds of difficulty led directly to closure in some cases but not in others, or at least not as directly. It was, therefore, also important to consider such episodes where they occurred during the life of a centre that may have survived, or earlier in the life of a centre which had since closed. Clearly, the life of each centre would be made up of hundreds of events, some of greater overall significance than others. No attempt would be made to map out every event in centres' lives, accounting for periods of quiet as well as turmoil. Instead, it was decided to focus on particularly noteworthy events of the type that had led to closure in some centres or had been particularly challenging but not fatal. It was hoped that this would produce a rich account of significant events, processes and interactions, providing an insight into the sorts of challenges that many law centres face and the reasons why some survive (even if only temporarily) while others do not.

The nature of the documentary evidence and initial discussions with contacts, such as those within the LCF, was such that many key events could be identified, as could the actors involved. Where the actors could not be identified, possible leads were pursued with other interviewees, as they would often be aware of these events and those involved, even though not themselves involved in them personally.

In the end, 43 interviews were conducted, 17 in Strathclyde and 26 in the West Midlands. The number of interviews relating to each centre varied (in part because of the varying 'eventfulness' of the centres' lives, in part because of the difficulty in tracing those involved in events that had occurred up to 25 years previously). For some centres, only one or two relevant people could be traced, in which case the study focused on the

period of their involvement, augmented by the documentary evidence. One advantage of basing the study in two areas was that many of those involved in one centre also had knowledge of some of the other centres in the area, whether from involvement on their management committees over a period of time, or through having worked in more than one centre. A few local authority interviewees also had experience of more than one centre. In addition to those directly involved in the centres, interviews were also carried out with former officers of the LCF who had experience of particular centres. Interviewees' roles are shown in Table 1 below. The numbers in the table do not add up to 43, because some interviewees played more than one role. Where they were involved in more than one centre but in the same capacity in each, they are only included once. A more detailed table, showing the number and role of interviewees in relation to each centre is contained in Appendix 1.

**Table 1: Interviewees' roles**

	West Midlands	Strathclyde
Management committee/steering group	15	7
Staff	6	6
Funder: member	5	-
Funder: officer	2	4
Law Centres Federation	2	-

The interviews served a dual purpose. On one level, they allowed the construction of stories about events in the centres' lives, adding to or reinforcing the evidence from the documentary sources. At another level, they allowed a discussion of a number of the issues that emerged. This was especially so of those from the LCF, although a number of others also had great experience of law centres and had considered some of the more conceptual issues explored in Chapters 8 and 9. This proved invaluable in developing and testing *ad hoc* theories in the field. This is not to say that their analysis has been adopted, but that they provided a useful insight into the interaction of theory and practice. They did this by revealing the interviewees' perceptions of various processes and influences, which was extremely useful in exploring an abstract concept such as the power of the profession and the dominant paradigms. When exercised in the more subtle



ways suggested above, this power largely relies on perception for effect. In this context, it could be argued that perception *is* in fact reality.

The interviews were conducted between March and June 1997. They varied in length (from two five-minute discussions over the telephone to a couple of three-and-a-half-hour in-depth face-to-face interviews), although most lasted between sixty and ninety minutes. Other than the two telephone interviews, all interviews were tape-recorded. The interviews were not fully transcribed *verbatim*. While there is a risk in being selective in transcription (the selectivity allowing the potential introduction of bias), that which was less precisely noted or discarded was considered peripheral information, providing neither additional insight nor contextual colour.

The documentary and interview data were used to construct rough time-lines and event 'maps' for each of the episodes explored, with relevant extracts from the documentary sources and interview transcripts pieced together in broadly chronological order. This process also allowed the identification of a number of thematic strands, following which the data were re-examined and re-assigned to both episode-based and thematic groupings.

Interviewees were given no guarantee of anonymity. However, many of the interviews raised issues of some sensitivity and many of the interviewees will be known to one another and, indeed, may have ongoing relationships. It was decided, therefore, that names would be changed in the writing up of the thesis. As identification of individuals would clearly be possible through the description of their roles in relation to specific law centres, the names of the centres (and other centre-specific bodies, such as local authorities) have also been changed. However, the names of the two areas in which the centres are located - Strathclyde and the West Midlands - have not been changed. It would have been impossible to conceal the identity of the Strathclyde area, as it is the only area in Scotland to contain more than one law centre. While the location for the English area could have been concealed (to the casual reader at least), naming it

provides some sort of broad context for the discussion. A full list of the centres, along with their approximate dates of opening and closure, is shown in Table 2 below.

**Table 2: Law centres in Strathclyde and West Midlands**

	Year opened	Year closed		Year opened	Year closed
<b>Strathclyde</b>			<b>West Midlands</b>		
Southfield	79	-	Havebury	76	-
Easthill	91	-	Spring Park	76	95
Kirkfoot	92	-	Whitetower	76	88
Northhouse	93	-	Old Green	77	-
Stonybridge	95	-	Westchester	81	87
Stewarthall	95	-	Petersedge	84	91
Burnhead	96	-	Longwinton	85	91
Newchurch	96	-			
Muirlands	97	-			

## CONCLUSION

As noted above, very few detailed accounts of events and processes within law centres have previously been recorded. This study, therefore, tells stories that have not been told before in any systematic way. As already stated, the study did not attempt to construct a full ‘life history’ for each centre. It would have been impossible to do so. The study does nevertheless provide a reconstruction of many specific episodes in considerable detail and from a combination of data sources and perspectives.

The purpose of the study was not to establish the ‘truth’ of particular situations, or be able to establish exactly what occurred in an authoritative way. Indeed, the nature of many of the events covered, revolving as many did around conflict, meant that a number of contradictory accounts were sometimes uncovered. In these situations, it was not always vital for the integrity of the analysis to establish which of these versions was ‘correct’. Assuming for now no deliberate obfuscation of the facts, the very fact of this divergence of views was sometimes itself the most important finding. In the end, it was inevitable that there would be gaps. This happened when, for example, a long period of

conflict had led to all of the traceable interviewees ceasing their involvement with a centre, meaning that the outcome of the conflict could not be established. This was sometimes frustrating, but it was also unavoidable. It does not, it is suggested, fatally undermine the study. Rather the interview and documentary sources together provided extremely rich data from which one could both construct detailed accounts of events, processes etc and test existing (and develop new) propositions. In this way both the explanatory and exploratory objectives of the study were facilitated.

## CHAPTER 4: QUANTITATIVE ANALYSIS

As described in the previous chapter, a mixed approach has been adopted for the collection and analysis of data for this study. Subsequent chapters detail the findings from the qualitative stages of the research, both interview and archive based, and focus on the two case study areas (Strathclyde and the West Midlands). This chapter details the results of analysis of quantitative data relating to law centres throughout the UK.

This analysis performs a dual purpose. Firstly, while the analysis presented in Chapter 2 led to the refinement of the power hypothesis, the quantitative data analysis allows for the exploration of two potential additional or alternative explanatory variables. These are the existence of need for a law centre (as represented by deprivation) and the importance of the local political context. Secondly, the analysis informed the qualitative stages of the research, both by providing a rationale for the selection of the case study centres and by highlighting issues to be explored in greater depth.

Thus information has been collected on the characteristics of the law centres (year of opening and closure, type of work, sources of funding, staffing levels) and the areas in which they are located (political representation, extent of deprivation). The former was collected from a combination of annual reports and responses to questionnaires compiled by the Law Centres Federation in 1987 and 1995. In some cases this information is incomplete as it was either not included in the annual reports or the particular centre did not complete either or both of the questionnaires. The possibility of conducting a written survey of each law centre was considered, but was advised against by the Law Centres Federation which had recently carried out its own survey. As not all centres had responded to this survey, it was felt that an independent survey would have a disappointing response rate and would be onerous for over-stretched law centres. Given that data existed for the majority of centres, albeit in a slightly inconsistent form, it was agreed that the LCF's own data would be used.

## CHARACTERISTICS OF CENTRES

### AREAS OF WORK

Data on the areas of work dealt with by centres were available for sixty centres. It is clear from the data that most law centres dealt with a core of five areas of work, but a number also dealt with a number of other less common specialisms. The great majority (95%) of centres worked in the field of housing, with 90% dealing with matters relating to both employment and discrimination. Over three-quarters (78%) reported dealing with cases relating to nationality and immigration, while two thirds provided a service on welfare benefits. All but one of the centres for which data were available reported working in two or more of these areas and indeed the average centre does four of these five areas of work. Only one centre did no work within these categories: Springfield Law Project, which is based in a psychiatric hospital and deals exclusively with mental health issues.

Despite this apparent homogeneity, these five core areas by no means signal the limits of the work done by law centres. Twenty-seven per cent dealt with educational matters, and 12% with debt (although in practice debt is often included within the welfare benefits or housing categories and vice versa). No other single area was dealt with by more than 10% of law centres. However, a third of centres did also deal with one or more of a wide range of subject matters, the boundaries between some of which were not always clear. These included black rights, women's rights, human rights, harassment, environment, disability, personal injury, family, crime and consumer issues.

### FUNDING

Start-up funding information was only available for 37 centres. Of these, 23 started life under the urban programme, or its historical equivalents. A further eleven were funded by local authorities, while the remaining three were funded at the outset by charitable donations or grants.

The nature of the urban programme is such that funding is provided on a 'pump-priming' basis. Thus even where a centre started life with urban programme funding, this will not extend beyond, at most, seven years. One of the eleven closed centres for which data were available was funded by the urban programme until it closed. The final funder for all other closed centres was a local authority.

While many centres received some charitable donations, of the 61 centres operating at the time of the study and for which data was available, only one operated with primarily charitable backing. The majority of centres also supplemented their income with legal aid work, some to a considerable degree. However, one centre, while receiving specific grants for mental health and housing work, largely supported itself via its own activities (primarily training and publications). Nine received funding directly from the Legal Aid Board<sup>14</sup>. Springfield Law Project (the centre based in a psychiatric hospital) was funded by its local health authority. All other centres were funded in the main by local authorities. Many centres received funding from more than one tier of local government (where two tiers still existed) and also received non-core funding from other sources, such as the Commission for Racial Equality, often to fund particular workers or projects. Finally, the Law Centre (Northern Ireland) had a wide range of funders, foremost of which was the Department of Health and Social Security.

## STAFFING

Information on legally qualified staff was available for 37 centres. However, information on non-legally qualified personnel or volunteer staff was not available in any coherent format. It was not clear from the data whether the numbers given (where available at all) included only advice staff or also administrative personnel. For this reason, the analysis presented here relates only to legally qualified staff.

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<sup>14</sup> All but one of these was also partially funded from other sources - indeed, the Legal Aid Board made a concerted effort to encourage a combination funding approach for these centres.

The 37 centres for which data was available employed a total of 99 legally qualified staff (a mixture of barristers and solicitors, although this breakdown was not available). This provides an average of 2.75 staff per centre. Behind this average was a rather unusual distribution: nine centres had only one legally qualified member of staff, while 13 had two. Four centres had three staff and two each had four and six. Bucking the trend, however, were the seven centres with five legal staff. Thus over half of centres had less than three legal staff, but a significant number had more than four. All of the centres, bar one, with five or six staff are well-established centres in London. The other centre is in Northern Ireland, receives more funding than any other centre and serves the second largest catchment area. While this might suggest at least some relationship between the size of a centre's catchment area and its staffing levels, a brief analysis<sup>15</sup> of available data shows virtually no such link. However, this analysis takes no account of the number of non-legally qualified staff. As these are an important element of the service provided by many law centres, an analysis of legally qualified staff may tell only part of the story.

## OPENINGS AND CLOSURES

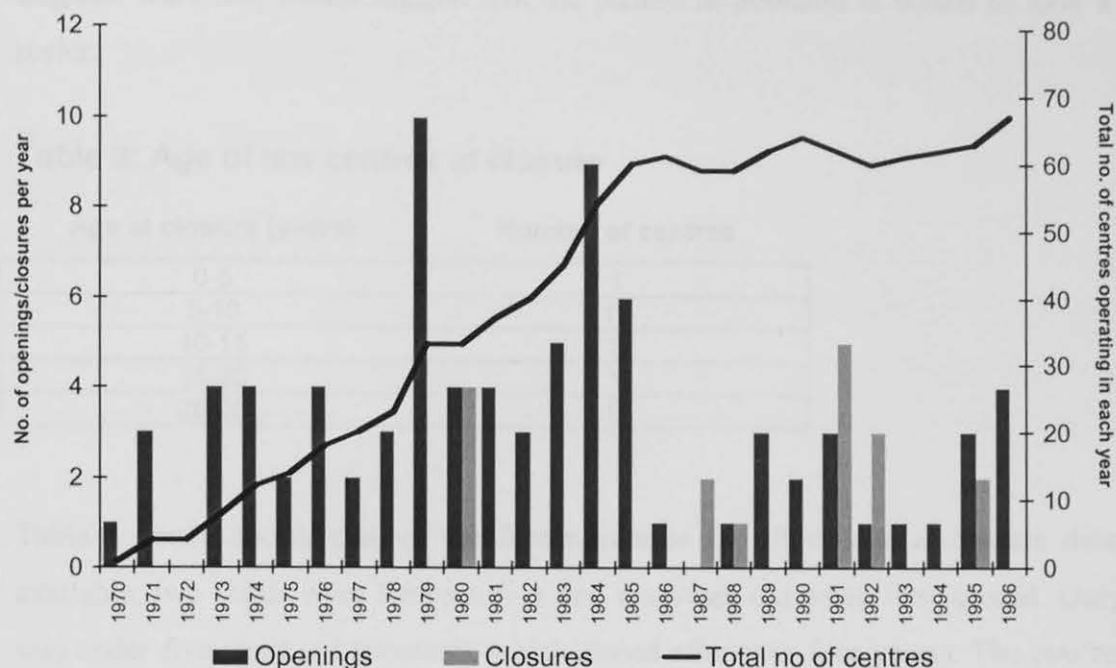
Figure 1 below shows the years in which law centres opened and closed and the total number of centres operating in each year. The most striking aspect of Figure 1 is the steady growth in the total number of law centres up until the mid-1980s. Thirty-two centres opened in the 1970s, 35 in the 80s and only 15 in the first six years of the 90s. 1979, with ten, stands out as the most successful year for new beginnings, but the three year period from 1983 to 1985 also saw a total of 18 centres opening.

The pattern in relation to closures is somewhat different. Of course, there have been more openings than there have been closures, but even the relatively small number of closures show a contrasting distribution across time.

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<sup>15</sup> See Appendix 2 for details.

**Figure 1: Law centre openings and closures, 1970 to 1996**



As can be seen from Figure 1, no centres closed in the 1970s, but ten closed between 1990 and 1996. Thus the total population of law centres hit something of a plateau in the mid-80s and grew by only five in the first six years of the 1990s. More significantly, of the fifteen centres opening between 1990 and 1996, ten were in Scotland. Indeed, a separate analysis for Scotland would show one opening in the 1970s, none in the 1980s and ten in the 1990s. There had been no closures in Scotland at the time of the study. England and Wales, on the other hand, saw 31 centres open and none close in the 1970s, 35 and seven respectively in the 1980s and five and ten in the 1990s. Clearly, the experiences north and south of the border in the early to mid-1990s were starkly contrasting. While Scotland saw a period of growth, England saw stagnation at best and contraction at worst.

Of course, it may be argued that the greater number and age range amongst England's centres mean that it is more likely to have had closures than Scotland, where most centres are still in their infancy. Indeed, if, as may be hypothesised, the availability of funding is a major determinant of a centre's survival, the fact that many of Scotland's



centres were still within their initial period of urban programme funding, while those in England were not, would suggest that the picture in Scotland is bound to look a little rosier.

**Table 3: Age of law centres at closure**

Age at closure (years)	Number of centres
0-5	1
5-10	10
10-15	3
15-20	1
20-25	0

Table 3 above shows that, of the fifteen centres for which age at closure data was available, two thirds were between five and ten years old when they closed. Only one was under five years old (Southall, which closed after over four years). The two centres for which dates of opening were not available (Garra Lane and Battersea) both closed in 1980. As neither was amongst the first centres in 1970-72, they must have been a maximum of eight years old when they closed. The table also demonstrates that it has been very uncommon for older centres to close.

This pattern again suggests that funding may be a key issue. As urban aid was initially secure for the first four years of a project's life, one might expect the crunch time for law centres to be when they have to find an alternative source of funding. It is also clear, however, that centres can die in middle-age. An important issue for the qualitative stage of this study is, therefore, to explore whether closure is simply a result of the expiry of existing funding arrangements and, if not, what other causes there may be.

Figure 1 above clearly shows that 1980 and 1991 were the peak years for closures, with four and five respectively. However, three of the closures in each year were local phenomena, peculiar to just one area of London, Wandsworth. These triple closures were both preceded by transfers of political power on the borough council. This very specific incidence of a change in political control having catastrophic consequences for

law centres suggests that there may be a link between political representation and law centre existence in general: the following section investigates this possibility.

## POLITICAL REPRESENTATION

As demonstrated above, a great deal of funding for centres comes from local authorities. Law centres deal with social welfare law and generally benefit the disadvantaged, both socially and economically and have traditionally adopted a leftist political agenda. This suggests that the political orientation of the local authority could be a factor in whether or not a centre manages to attract funding. In basic terms, one might expect leftist councils to support law centres while right-wing councils would not.

To test this theory required the construction of a measure of local political orientation. This was done for each area with a law centre by calculating the balance of local political representation over the lifetime of the centre<sup>16</sup>. The numbers of local authority seats held by each of the three main parties (plus 'others') are divided by the total number of seats to give a percentage share for each party. This is done for each year of the life of each centre. The median of these annual percentages is then taken to give an overall score for each party, thereby providing a general indication of the political orientation of the areas in which centres are located. The median is used, rather than the arithmetical mean, to avoid any skewing of the results. This could happen if one party dominated for a small number of years, but most years saw no overall control, or one party only just able to form a majority.

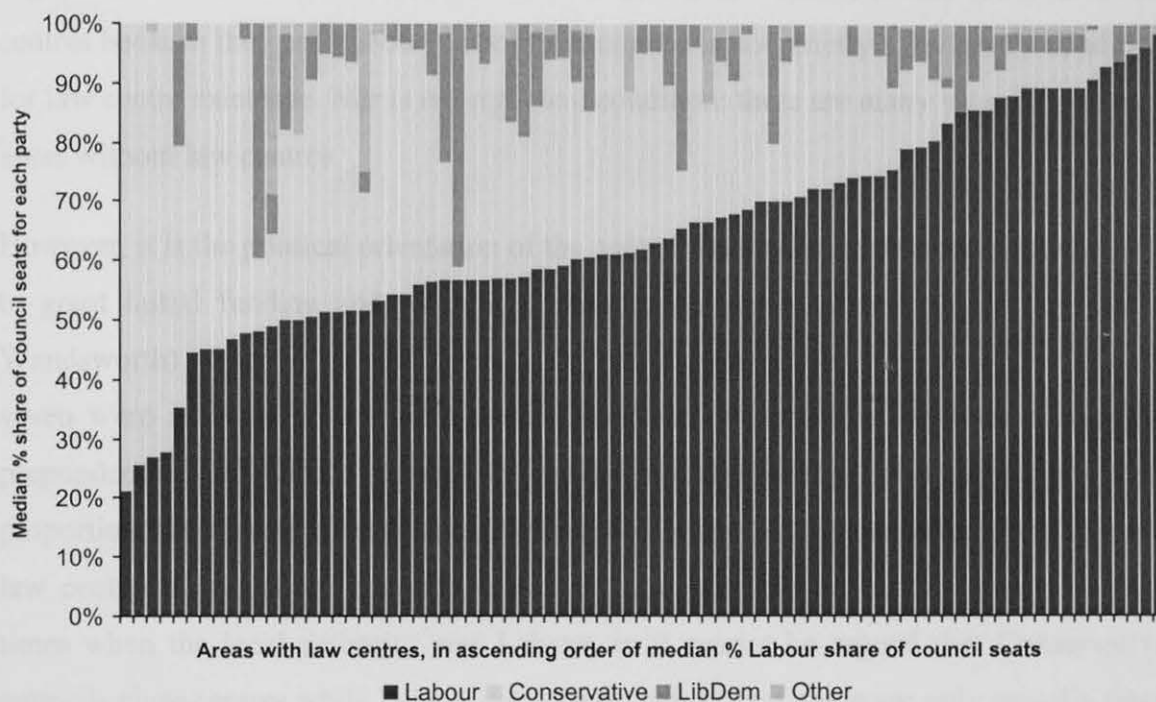
Figure 2 below displays the results of this calculation for each centre, whether currently operating or not. The columns represent the median distribution of council seats for each centre and are presented in ascending order of Labour's share of seats. For example, the

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<sup>16</sup> Some areas contain (or have contained) more than one law centre. The calculation was carried out separately for each law centre. Different results are shown for each centre in an area unless they opened (and closed) in the same year and/or the share of council seats was static over the entire period.

first column relates to Wandsworth Law Centre, which had the lowest Labour share at 21%. The only other party with any showing for Wandsworth were the Conservatives, with a median share of 79%. At the other end of the scale (on the far right of the horizontal axis) is Newham, with a 98% Labour median.

**Figure 2: Local authority political representation in areas with law centres**



The preponderance of dark grey in Figure 2 clearly demonstrates that the majority of centres are in Labour dominated areas. Indeed, in no area with a law centre has there been a median Labour presence on council lower than 21%, while the lowest figures for the other two main parties are zero (or rounded to zero). However, a number of areas are, or have been, predominantly Conservative. That said, the overall median Conservative representation is 27% (not far above the lowest figure for Labour), while Labour has an overall median showing of 62%<sup>17</sup>. The average law centre, therefore, is

<sup>17</sup> No areas have been dominated by the Liberal Democrats (or historical equivalent), but a number of areas have, over time, been represented by substantial numbers of members from each of the three main parties. 'Other' generally refers to independent members, although several of the Scottish areas have had members from the Scottish National Party.

located in an area with a Labour council, and a Labour council with a comfortable majority at that.

Although this does not mean that law centres do not exist in Conservative areas, it does suggest that political representation is a factor that may be important for law centres. Of course, the very fact of Labour dominance does not imply causality. It is not being argued that because an area is Labour it will have a law centre, or that areas have law centres because they are Labour. Labour dominance is not strictly a *necessary* condition for law centre existence. Nor is it a *sufficient* condition: there are many staunchly Labour areas without law centres.

However, it is the political orientation of the council both when it decides whether or not to grant initial funding and when it decides to withdraw continuing funding (as in Wandsworth) which is of real interest. Of the seventeen centres which have closed, seven were in areas which were under Conservative control at the time. Given the preponderance of Labour control in areas with law centres, this is a very high proportion, which would imply that Conservative councils were far more likely to close law centres than Labour councils. However, the other eleven centres were closed at times when the local authority was Labour, so it cannot be argued that Conservative councils close centres while Labour councils do not. In fact, there are only actually three Conservative 'closing councils': six of the seven Conservative closures occurred in the two aforementioned episodes in Wandsworth, eleven years apart. In the interim period i.e. after the first three law centres were closed, the council became Labour controlled. When power passed back to the Conservatives, three centres closed again. The argument that Conservative councils close law centres is very strong in relation to this particular area. However, there have been too few closures and too few areas under Conservative control at any time to allow any firm conclusions to be drawn.

A Conservative council *might* fund a law centre, or a law centre may find funding elsewhere. Of the four law centres that are located in areas which currently have Conservative councils, only one receives any funding from that council. Even here, the

level of funding is small when compared to the overall resources of the centre. However, nor is the finding of a Labour council any guarantee that funding for a law centre would be forthcoming, or sustained. This suggests that political control may strongly influence a centre's chances of emerging or surviving. However, the processes that lead to the withdrawal of funding and the extent to which such withdrawal is decisive for law centres are both more complex and more subtle. This is explored further in the following chapters.

## DEPRIVATION

As we saw in the Chapter 2, law centres developed initially in the US as part of a concerted effort to address the problems associated with poverty. The same motivation, coupled with a recognition of the inadequacies of the legal aid schemes, led to the establishment of law centres in the UK. Thus poverty was and still is the main focus of the work of law centres. One might, therefore, reasonably predict that law centres would be found in areas of multiple deprivation, where the need for their services would be most explicit and the benefit they could bring be most keenly felt. Deprivation *per se* does not necessarily equate with legal need. However, the two are tied so closely together in the work of law centres that there is a strong logic for the use of deprivation statistics in predicting the need for law centres, albeit at a relatively abstract level<sup>18</sup>. Accordingly, the Index of Local Conditions, produced by the Department of the Environment (May 1994) at district or borough level and based largely on 1991 Census data was used as a proxy for need<sup>19</sup>.

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<sup>18</sup> There are no readily available measures of need for the services of a law centre. For models of need for legal services in specific subject areas, see Legal Services Commission, August 2000; Pleasence et al, 2001.

<sup>19</sup> At the time of this study, these indicators were only available for England. However, given that so many of the law centres in Scotland are located within a single local authority area, little additional insight would have been gained by attempting to replicate such an analysis.

The Index of Local Conditions provides three separate ‘scores’ for each area. These are based on the level of deprivation found in the worst wards of the area, the proportion of wards in the area classed as deprived and the overall level of deprivation for the area as a whole. A detailed analysis of the relationship between these measures and between them and the presence or otherwise of law centres is presented in Appendix 2. For the purposes of this chapter, it is sufficient to report that, as expected, most of the areas containing law centres are indeed more deprived than those without. However, almost fifteen per cent of all areas containing law centres are officially classed as non-deprived.

Most of the worst areas do contain law centres, including sixteen of the seventeen most deprived areas overall and 23 of the 26 areas containing the most deprived wards. However, there are also many deprived areas with no law centre. Indeed, several areas without centres are in fact classed as more deprived than several of those with centres<sup>20</sup>. Thus it is impossible to say categorically that deprived areas have law centres or that non-deprived areas do not have law centres. It is, however, true to say that the *most* deprived areas do have centres, the *least* deprived areas do not and, overall, that areas with centres tend to be deprived. As with Labour political control, while it can be argued that deprivation is a strong factor in the existence or otherwise of law centres, it is not quite a necessary condition. Furthermore, the existence of highly deprived areas without law centres means that neither is deprivation a sufficient condition.

If deprivation is considered to represent legal need and the existence of a law centre ameliorates this need to some extent, the listings above indicate that a number of areas suffer from problems of unmet legal need. The corollary of this is that a number of areas with centres may not ‘need’ them as badly as some areas without. In this context, if the resources currently allocated to law centres across the country were to be distributed according to deprivation, a number of areas with centres would lose them, while there would be many gainers.

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<sup>20</sup> Table 7 in Appendix 2 provides details for each score of the ‘top’ seven areas with law centres and the ‘bottom’ seven areas without centres.

## CONCLUSION

This chapter has provided some background information about law centres and the growth of the law centres movement as a whole over time. The location of centres has been analysed in terms of political control of local authorities and levels of deprivation. The analysis shows that neither a Labour dominated council nor the presence of deprivation is required for a law centre to exist, although this is clearly strongly linked to both. The conclusion to be drawn from this is that there are other factors at play, both in determining whether a law centre gets off the ground and whether it survives (or for how long).

The remainder of this thesis not only explores the subtler interaction between law centres and their local authorities, but also considers a wide range of other factors. Not least of these is the power of the legal profession and dominant legal paradigms suggested by the analysis in Chapter 2.

## CHAPTER 5: WHY AND HOW CENTRES OPEN

The previous chapter outlined the historical pattern of law centre development in the UK. Although the analysis suggested fairly strong links between the socio-demographic and political conditions obtaining in particular locations and the existence of law centres, it could not fully explain why centres emerged in certain locations, or at particular times. To do so requires consideration of subtler factors.

This chapter, along with Chapters 6 and 7, presents evidence that contributes to an assessment of the power hypothesis set out in Chapter 2, its refinement, or the development of alternatives. Of particular relevance are events that relate directly to the power hypothesis. However, the net has to be cast wider than this. Too much selectivity could result in the introduction of bias, closing off avenues of analysis that might move beyond the power hypothesis. Indeed, if the only evidence presented were that related to the hypothesis i.e. that demonstrated the power of the legal profession or dominant paradigms, a confirmatory conclusion would be inevitable. If the emergence of centres or their survival were in fact determined by factors that bore no relation to the power hypothesis, this would be a hugely important finding. Accordingly, evidence that at first sight may appear superfluous is in fact crucial in establishing the *extent* of the influence of the legal profession and dominant paradigms. In addition, it is only by presenting and analysing this evidence that the second aim of the study – to refine the power hypothesis or identify possible alternatives – could be achieved.

Given the number of centres included in the study and the often complex nature of their lives, extending for some centres over more than twenty years, a large amount of evidence requires to be presented in these three chapters. Some events in a centre's life are discrete, in that they are unrelated to anything that has gone before or comes after. However, appreciation of the significance of many events depends on knowledge of what has gone before. For this reason, these chapters present all of the evidence relating



to the birth, life and, where appropriate, death of each centre in turn, with events considered in chronological order.

A full exploration of themes emerging from these accounts requires consideration of evidence from several centres, different periods of one centre's life or a combination of both. However, for the reasons set out above, the evidence relating to each case is presented separately. As a result, the analysis of this evidence on a centre by centre basis and, in particular, the assessment of the extent to which the evidence from each centre supports the power hypothesis (or suggests alternatives) would result in considerable repetition. An alternative approach would be to place this analysis in a concluding section for each of the three 'data chapters'. However, this would also be repetitive, as several themes emerge from a cross-analysis of the evidence presented in separate chapters. This is particularly the case for factors present either in the life of one centre and the death of another, or in both the life and death of a particular centre. In addition, the range of themes identified and the depth of analysis conducted would, were the analysis to be included in the data chapters, result in these chapters being even more substantial than the inclusion of all necessary data already dictates. For these reasons, Chapters 5, 6 and 7 are largely restricted to the presentation of evidence, with analysis of this evidence reserved for Chapters 8 and 9.

This chapter focuses on the opening of centres, while Chapters 6 and 7 focus respectively on issues arising during the life of centres and those that may contribute to their closure. Inevitably, given the timing of the development of the law centres in Strathclyde, the main focus of interviews with those involved in that area was the opening of centres. In contrast, the bulk of both the interview and documentary data relating to later life and closure comes from the experience of the centres in the West Midlands, whose lives have been longer and arguably more tempestuous than those in Strathclyde. As there had been no closures in Strathclyde at the time of the research, there is no data relating to closures in that area.

This chapter provides a brief history of the events and issues leading up to the opening of every centre included in the study. The Scottish centres are considered first and the roughly chronological order shown in Table 2 above is followed, unless there are contextual reasons for a different order.

## **STRATHCLYDE**

### **SOUTHFIELD, 1979**

In October 1973, Charles Heath, an academic lawyer with an interest in legal services to poor communities, made a proposal to the local authority that it should provide funding for an experimental neighbourhood law centre. The council invited Heath to present his proposal in November 1973 (letter to Heath, 12.11.73) and subsequently entered into discussions with the Law Society of Scotland. Within four months, the Society had prepared guidelines under which solicitors in a legal advice centre could operate. However, a later proposal by Heath referred to these discussions as delaying any decision by the council (Proposal for an Advice Centre Incorporating a CAB and Law Centre in Glasgow, 10.10.75). As such, it was not until February 1975 that the council gave support in principle for Heath's proposal. Unfortunately, local government was at the time undergoing one of its regular re-organisations and the proposal had to be referred to the new district and regional councils.

Unbeknownst to Heath, the Scottish Association of Citizens Advice Bureaux (SACAB) was also at this time "looking into the question of unmet legal need and how CAB service can contribute towards filling it" (letter from SACAB to Heath, 2.5.75). SACAB had developed its own proposals for a legal advice centre in the same council area and had become aware of Heath's work through the council's recent consideration of his proposal. Accordingly, SACAB contacted Heath and they began work on a joint proposal.

Both SACAB and Heath were well aware that the proposal would have to be agreed with the Law Society of Scotland. SACAB stressed to the council that the proposal had not been discussed with the Society, although it had been submitted to the Society at the same time as it was submitted to the council (letter of 3.7.75). The ensuing discussions with the Society were to continue over an extended period. Correspondence confirms Heath's recollection that, as the project looked more likely to become a reality, a wide range of matters including the proposed centre's constitution, the premises in which it would operate, the areas of law it would cover and the status of reception staff had to be discussed and agreed.

The result of the delays caused by these discussions was that The Scottish Office did not come to formally consider the urban aid application for the project until September 1977 (letter from SACAB to Heath, 23.7.77). Heath recalled that both Ministers and the civil servants already appeared to be 'sold' on the idea, so approval for the application was almost assured when it was eventually made. Indeed, the major problem by this stage was to encourage a council, at a time of grant cuts, to commit the 25% required of them in accordance with the urban aid provisions. The council did so, but it was not until 1979 that the centre opened, over five years after the initial proposal had been submitted.

The genesis of this centre demonstrates the sheer length of time and perseverance it can take to get a centre off the ground. Such an extended period of active campaigning and negotiation requires a lot of personal commitment on the part of those involved. The range of the interests that have to be addressed also emerges clearly from this example. The council, The Scottish Office, the Law Society, SACAB and the local community were all involved at various stages. All of these parties effectively had to be brought 'on side' were the centre to succeed. The council and The Scottish Office clearly had to be convinced that scarce resources would be well spent on a law centre. The Law Society, on the other hand, had to be convinced that the solicitors within the law centre would follow the normal rules of the profession and avoid "unfair competition with solicitors in private practice" (Amended Memorandum by the Council of the Law Society of

Scotland with Reference to the Proposal by the Strathclyde Regional Council for Setting up a Neighbourhood Law Centre, undated).

The history of this centre also challenges the perception of law centres as a grass-roots movement, a response to an expression of need made by the community for the community. As is shown further below, those behind law centres are often, at the outset, not part of the centres' communities at all. In this case, the original proposal did not even suggest a location for the project. Many areas in the city suffered from multiple deprivation (and had few solicitors or advice agencies) and so could have been suitable hosts for the project. SACAB's suggestion of Southfield appears as much as anything to have been based on the fact that (ultimately unsuitable) premises had already been identified for an as yet unopened CAB (letter from SACAB to council, 3.7.75).

The local community was not involved until after a location had been chosen and funding all but secured. According to Heath, it was recognised by those concerned that for the centre to work, the local community would have to be involved. A first public meeting was held the same week as The Scottish Office determined the urban aid application. It was only after this meeting that the local community council became involved. Clearly, the centre was not a bottom-up development, but it is not alone amongst law centres in this sense.

## EASTHILL, 1991

In part, the Easthill centre grew out of an existing organisation, but it was also the product of a particular personality with previous experience of the voluntary legal advice sector. Matthew Dench had been involved in social welfare legal services for many years, undertaking his legal apprenticeship at the Southfield centre in the early 1980s. He recalled that the idea for the Easthill centre emerged following a casual discussion of legal services with interested parties from a local Community Business-funded organisation. The organisation had a small budget for the promotion of legal services to its own client group (tenants and tenants' organisations) and was seeking ideas as to how

it might best put this to use. It appears unlikely that they would have hit upon the idea of a law centre without the outside help provided by Dench.

Rather than restrict himself to the question of the existing budget, Dench suggested that he and the organisation get together to develop an idea for a law centre. He argued that with a relatively small amount of public funding they would be able to earn substantial income through the legal aid scheme. The idea developed that the centre should not seek to serve a local catchment area but should instead attempt to test whether what Dench described as a “more adventurous” model would be likely to succeed. In many respects, the characteristics of the centre appear to have been determined by that adventurous approach.

The open-door model favoured by most community-based centres did not readily fit with Dench’s idea for a large, specialist and non-geographically based centre. The centre was therefore primarily set up to operate via referrals from other agencies, such as the aforementioned tenants’ organisations.

The existence and structure of the Easthill centre bear the very distinct mark of those involved in its conception. More specifically, the involvement of Matthew Dench was crucial. The law centre remains unique in Scotland (and possibly the United Kingdom), a result of the specific aims and structure of the Community Business-funded organisation (from which Easthill borrowed heavily) and Dench’s undoubted willingness to develop something new. Except insofar as the pre-existing organisation can be viewed as a proxy for the community and although heavily involved once the centre was up and running, once again it does not appear that the community was in any way the driving force behind the centre.

## KIRKFOOT, 1992

Around 1983-4, Andrew Astbury recalled Strathclyde Regional Council approaching the local ‘churches group’ of which he was a member. The council’s social strategy sub-committee was seeking ideas for projects to form part of its anti-poverty strategy. The

churches gave the matter some consideration and eventually came up with the idea of a law centre to meet the needs of all ethnic minorities in the area. Following constructive contact with the social work department, an ad hoc committee was formed, involving representatives of the department, the community relations council and the minority community.

At this point, it became clear that extra funding in the form of urban aid would be required and, after about a year of development work, an application was submitted. However, the first two or three applications failed. Although this was clearly disappointing for those involved, Astbury and the rest of the group recognised that it was naïve to have expected immediate success. It was also felt that it might have been viewed as slightly dubious to limit the scope of the project to ethnic minorities. For this reason, the social work department carried out some research to identify particular concentrations of need associated with ethnicity. Based on this evidence of concentrated need it was argued that ethnic minority groups also had a particular need for legal services.

However, as noted above, success did not come to the group straight away. Astbury felt that this may in part have been because of possibly inadequate consultation with the proposed client group for the service. In addition, he recalled some delicate negotiations with one community group which already provided legal services, albeit only as part of its wider remit. It was felt that the new proposals might be seen as interfering with this group's sphere of influence, which may have led to some opposition which in turn may have dented the project's chances of success. Nevertheless, all of these problems were overcome and funding for the centre was eventually granted four years after the original application.

The history of this centre suggests again that the top-down/bottom-up approaches are not dichotomous, but are rather extremes on a spectrum. The initial impetus came from the funder (even though the council would eventually make only a contribution through urban aid), but the council did not identify the need for a law centre. However, neither

did the community do so itself. It was identified by the churches group, which had originally been approached because of the potential input it might have to the council's strategy. Conversely, the churches were then assisted in securing support for their idea by the personal influence they could bring to bear on the council's social strategy committee. It would appear that the input of the end-users was initially fairly marginal and that this in itself may have caused the group some problems. Thus a complex picture emerges of top-down initiative, focused by a middle-ground group (neither funder nor community user group), itself eventually reliant on the involvement of the user-group to secure funding.

In many ways, the input of the churches can be seen in the same light as that, described below, of the middle-class 'concerned citizens' behind the formation of a number of the centres in the West Midlands. Neither route could truly be regarded as grass-roots, in the sense that the proposals did not come from the community itself. The need for the particular type of resource was not recognised or articulated by the potential users of that resource. However, the genesis of the Kirkfoot centre differs from that of these other centres in two respects. Firstly, the churches group was already an organised group rather than simply a few scattered individuals, and as such was already actively seeking ways to 'make things better'. Secondly, and connected to the previous point, the organised nature of the churches group meant that the council actually sought its input and might, therefore, have been expected to respond positively to the proposals that came from that source. In the other cases, the proponents had to 'cold sell' the idea of a law centre to a remote funder and, it could be argued, thereby faced a greater challenge.

## NORTHHOUSE, 1993

The impetus for the creation of many law centres comes from some pre-existing advice or community organisation. However, even within this 'development model' there can be great variation. Indeed, even where a law centre emerges from a particular type of community organisation it cannot be assumed that the same path will have been followed. Two more Scottish cases, Northhouse and Stewarthall, illustrate this point.

On the face of it, the development of the law centres in the two areas would appear to be very similar. Both emerged as part of a wider 'Community Organisations Council', each of which had the same general objectives. However, the circumstances that led to the development of the law centres and the main drivers behind this development were quite different in the two areas.

Community Organisations Councils (COCs) are, as their name suggests, associations of community groups which allow a wide range of such groups to come together so that they can network and the provision of the services they provide can be co-ordinated. They incorporate a wide range of groups, from unemployed workers' centres and money advice centres to healthy eating initiatives and youth clubs. The COCs try to pull together the often-fragmented interests in a particular area and provide a focus for social strategies. They are run as charities, with individual projects being wholly owned subsidiaries.

Stewarthall is considered below. The Northhouse COC itself grew out of the Northhouse Initiative, a joint social and economic initiative involving the then district and regional councils and the local community. The Initiative/COC ran a money advice centre, alongside a number of other anti-poverty projects. There was also a strong council-run welfare rights team operating in the area.

Despite this provision, the Welfare Rights Department Officer for the area identified a gap. A solicitor (and previously a volunteer at the Southfield centre), he was given responsibility for liaising with the law centres in the area. In this capacity, he had been involved in the negotiations leading towards the opening of two other centres. He recognised that the welfare rights service could not address clients' wider debt and housing problems and that welfare rights and money advisers "do develop expertise in their field, but court procedure etc is beyond them". He was subsequently employed by the COC to manage existing projects, including the money advice centre, and to develop new ones. Unsurprisingly, he developed a proposal for a law centre, drawing up the



original urban programme funding application. When funding was approved he became the solicitor/director of the law centre, which also incorporated the money advice centre.

Thus in this case, a combination of factors led to the emergence of the law centre. There was a pre-existing community structure, a need identified through the work of existing agencies and a well-placed individual's knowledge and experience of law centres. It seems likely that the most important factor was that one individual's knowledge and experience, coupled with his ability to influence the area's strategic approach to combating poverty. The existence of a well-developed community network and the related identification of need appears unlikely of itself to have resulted in the emergence of the law centre.

This may seem a strange conclusion to draw considering that another centre opened less than three years later from within the same community organisations context. However, when the case of Stewarthall is investigated it appears that, once more, it is a personality that *drives* the development rather than the organisational setting, which seems simply to provide a receptive backdrop.

## STEWARTHALL, 1995

After a certain point, it seems that successful examples elsewhere can assist in the establishment of law centres in new locales. The Stewarthall COC started four years after that in Northhouse and was based along similar lines. Again, there was a money advice centre and again, it found that it could only take cases so far without a specifically legal input. A further need for legal expertise and advice was identified by the community groups themselves, which had no readily available source of legal advice on leases or employment contracts.

The director of the COC recalled the steering group developing a strategy for tackling the area's problems. One focus was on poverty and it was recognised that alongside poverty came the problems of lack of access to justice and representation of interests. Although the extent of the problems facing the area was clear and there was some

knowledge of the work of the Southfield and Northhouse centres, the COC was initially reluctant to back the idea of a law centre. The director suggested that this was because the group felt that the chances of getting funding were very slim. They had been told as much by a councillor who, while supportive, felt that funding would only be forthcoming after 2-3 years of great effort, if at all. As such, it was barely worth trying. However, the director detected a further reason for reticence: a fear that the COC would be seen to be biting the hand that fed them. This might not only lead to the law centre being stopped in its tracks but might also cause difficulties for the rest of the COC. Nevertheless, the director took it upon himself to put together a proposal and sell it to the committee. The committee had already recognised the need for a centre: now they needed persuading that it was worth the effort.

The director described his approach to fundraising as “very direct”. Rather than prepare lengthy submissions based on detailed research, he had always tried to be straightforward and concise. This was to work to his advantage, as the deadline for urban programme submissions was only three days after the committee was to decide the matter. As he put it:

“I told them - we may as well just go for it, just try it, we’ve got nothing to lose. [My approach to fundraising meant] I knew it wasn’t going to be an awful lot of work. If we were rejected because we hadn’t done enough to show need, then we could *then* go away and do more research, but with three days to prepare it, I felt we should just give it a go.”

Having visited Northhouse, he was also able to describe to the COC how a law centre could work in a context the same as their own. The COC Committee convinced, the next challenge was to ensure that the proposal be presented for consideration by the Urban Programme Sub-Committee of the Policy and Resources Committee of the Regional Council. The Sub-Committee would consider and prioritise the submissions it received from the Area Liaison Committees (ALCs) throughout the region. These Committees were comprised of representatives of various organisations and agencies, including the COC, police, social work department, community education and other voluntary sector

agencies involved in regeneration. They were charged with setting up local strategies for service delivery, including the submission of urban programme proposals.

The Committee gave the law centre application a low priority, despite the fact that it had much local support. The director suggested that this might have been because the social work department was not keen, as it felt that it could and did provide the necessary services itself. In addition, he suspected that the ALC may have been suspicious of the COC: a voluntary community organisation, employing relatively skilled staff who were preaching community development ideas, which was not really the local authority's favoured approach. A low priority from the ALC was regarded as the death-knell for the proposal, but the Urban Aid Sub-Committee of the council went on to submit the application to The Scottish Office with medium priority. Although such a rating was again regarded as fatal to the application, The Scottish Office accorded the application top priority and it was successful at the first attempt, much to the surprise of those involved. The irony is that the council sponsoring department for the successful project was to be Social Work, which it was felt had opposed the idea from the outset.

Although no reasons for backing the project were given by The Scottish Office, the director sensed a general feeling within central government that organisations such as COCs were capable of providing more services than local government alone. By supporting community led and managed projects, central government could meet local needs without having to support local government direct service delivery. Indeed, it was suggested that The Scottish Office's enthusiasm for urban aid was based on the fact that it enabled the (then Conservative) administration to reach the community and implement policy while largely bypassing (predominantly Labour-controlled) local authorities and direct council service provision. Whether this was in fact the case could not be established through this research, but if such was the idea of the urban programme, it certainly appears to have been effective in this case.

On the face of it, the story of the Stewarthall centre is similar to Northhouse's: a proposal that emerges from a COC following the decisive intervention of one person.

However, what comes through most strongly is the contrast in the approach of the individuals and the support they had. Whereas in Northhouse everything seemed to come together at the right time, in Stewarthall it appears that the push for the law centre very much came from one charismatic personality. Despite apathy from others along the way, he single-handedly developed the idea of the law centre, drew up the application and persuaded others to back it. The COC context may well have been of assistance, but it appears even less likely than in Northhouse that this context would have produced a law centre without a decisive intervention. In effect, the director overcame the community's reticence and encouraged them to 'give it a go'. Of all centres in this study, Stewarthall probably had least pre-planning in the development stage and less thought probably went into the funding application than any other. Nevertheless, and despite the fact that little in the way of research on need was carried out or reported, the enthusiasm of the individual involved and his ability to read the mood in The Scottish Office were key to the success of the application.

#### STONYBRIDGE, 1995

It has already been noted that, while the initial impetus came from the eventual (part) funder, the council itself did not come up with the idea for the Kirkfoot law centre. Nor did it undertake the great bulk of the work involved in developing that idea. Thus the top-down/bottom-up approaches were described as opposite ends of a spectrum rather than mutually exclusive. In this model, the development of the law centre in Stonybridge would be found very close to the top-down end of such a continuum.

A senior council officer who had worked in a law centre earlier in his career found himself in a position to be able to influence council policy. He took the idea of a law centre to the council and, with his law centre background and contacts, invited an academic and a lawyer from an existing law centre to speak to the council. It did not prove difficult to persuade other council officers and members of the merits of his proposal as they could see the benefits a law centre might bring to the area.

He then took the initiative and contacted the local tenants' federation. The chairperson recalled that the federation was already aware of law centres but, despite feeling that it would be good for the area, had never made any moves to establish one. Unsurprisingly, when the proposal was presented to the federation by the council officer, they needed little persuasion to 'sign up' to the idea. This was important as, even with council support, the real funding decision would be made by those within central government administering the urban programme. It was important to present to The Scottish Office evidence of local community involvement: funding was not available for what would otherwise be, in effect, a council service.

In this case, despite the eventual involvement of the local community, the law centre was very much a top-down initiative. The council officer concerned felt that, although the council were not hard to persuade, it is unlikely that the centre would ever have emerged had it not been for his own personal enthusiasm and commitment to the idea. This is not simply self-aggrandisement: there was simply no evidence to suggest that anyone else in the area would have taken the idea for a law centre to the council. The chair of the tenant's federation also felt that "the proposal had weight" because it came from the officer.

Despite the idea coming from the funder, the community did become involved in the late stages of development, as in Kirkfoot. In that account, it was noted that the role of the 'top' (the council) extended to starting the whole process and then supporting the idea, including contributing funding, once it had been formulated by the 'middle' (the churches group). The latter had to secure the support of the 'bottom' (the community) in order to satisfy the tests for urban aid funding. In the case of Stonybridge, there was no middle involved: the council took the initiative, had the idea and developed the proposal. Once again, however, the council had to seek out the community in order to gain urban aid funding.

The community becomes involved out of necessity, no matter who has the idea or does the groundwork. The very structure and emphasis of urban aid funding ensures at least

nominal community involvement, whether or not those behind the idea would have sought community input of their own initiative.

This case is also of interest for another reason: the application for funding was successful only at the third attempt. It was suggested in Chapter 2 that those administering the urban programme might have been more pro-active in encouraging councils to refine initially unsupportable applications. They did not seek revised applications, nor give support in principle dependent upon certain changes being made. Once all applications had been assessed and decisions made, the funding round for the year was effectively over. However, feedback given to councils might have assisted in the preparation of revised applications for submission the following year. As already mentioned, the onus was very much on the local authorities to ensure that applications met with stated priorities.

The council in this case did not make any particular revisions to the application in the second year, and it was again rejected. However, the council officer responsible felt that the third (successful) application was different in one vital respect. Included in the application was a quote from Lord James Douglas Hamilton, telling Parliament that, although central government was doing nothing pro-active to encourage the growth of law centres in Scotland, any funding applications received by The Scottish Office would be given the fullest consideration. As noted in Chapter 2, Scottish Office officials denied that either this statement or its inclusion in a funding application would have any particular bearing on their decision making process. Nevertheless, the council officer felt that it was the inclusion of the quote which finally secured funding for the law centre.

An alternative interpretation might be that the officials deciding applications were by this stage more familiar with the nature of law centres. They would have dealt with an increasing number of applications over the period and had supported three such applications in the preceding three years or so. Familiarity with the issues involved in law centres and the types of work they could undertake, as well as the value they could bring to local communities, *may* have had as much to do with the apparent change of

heart regarding Stonybridge as any more significant shift in policy, or the inclusion of the Minister's words. Of course, one might then ask why other law centres were supported in preceding years while Stonybridge was twice rejected. Perhaps The Scottish Office did not feel able to support additional law centres until they were satisfied as to their value?

Not only does the above example show a top-down approach to the establishment of a law centre, it also demonstrates that it is possible for a law centre to appear as if from out of nowhere. There had been no general build up of feeling that a law centre was needed, nor did the law centre grow out of some pre-existing project suffering from the limitations of a lay advice service. The law centre was not the result of some concerted effort to improve the provision of advice and nor was it part of some other anti-poverty or community development strategy or project. This in itself is quite unusual.

#### NEWCHURCH, 1996

The first moves to set up a law centre in Newchurch were in 1988. Although never funded or staffed, the local Council for Voluntary Organisations (CVO) operated for a number of years, acting as a meeting place for voluntary organisations in the area. The treasurer of the CVO, who worked for a mobile information service for the disabled, had a keen interest in legal solutions to the problems faced by the users of the service. He suggested the idea for a law centre to the urban programme co-ordinator at the district council, which became quite keen on the idea. Some work was done on the proposal, but indications were received from The Scottish Office that any application for funding for a law centre was unlikely to be successful.

A few years later, a new urban programme co-ordinator joined the council. He had a professional interest in strategic anti-poverty projects, as well as personal experience of the work of lawyers gained through involvement with the Scottish Council for Civil Liberties. He recalled being vaguely aware of the earlier work. When it became apparent

that The Scottish Office might be taking a more sympathetic approach to applications for law centres and the old proposal was resurrected.

Contact was made with those setting up the newly-funded centre in Stonybridge, which operated in a similar environment to that in Newchurch: a central base, with a range of more far-flung target areas. Encouraged and informed by what they had seen, the CVO committee put together an urban aid application, and the district council backed it. The Scottish Office gave approval at first asking.

Thus the idea for a centre in Newchurch had a long but non-continuous history, from the original proposal in 1988 to funding being granted in 1995. Essentially the same agencies were involved and supportive throughout, including the officers responsible for urban aid within the district council and the local CVO. The delay in this case, like that in Stonybridge, was clearly caused by the actual or perceived negative stance taken by The Scottish Office towards funding applications by law centres. As discussed above, The Scottish Office has never admitted to having adopted or adapted any particular stance, whether in favour of or against law centres, at any time during this period. However, it is clear that this was not the message to reach those who were seeking funds.

## BURNHEAD, 1996

The roots of the Burnhead law centre can be traced back to an earlier urban aid funded advice centre, the Burnhead Community Information Project (BCIP), which opened in 1989. Throughout its seven year life, the BCIP offered a generalist advice service, although work tended to focus on benefits issues. A Burnhead Information and Advice Forum was established to facilitate links between the BCIP, the local CAB and a range of other agencies. The co-ordinator of one of these agencies subsequently became chair of the law centre. He recalled that the Forum carried out a review of the advocacy and legal needs in the area. This suggested that there was a need for an advocacy project, but that there was also a range of other legal needs that were not being met by any existing



agency. The results of the review were discussed with the Burnhead Management Unit, which oversaw a wide range of projects in the area at the time. Staff from the Easthill centre were invited along to discuss the possibility of a law centre and discussions were taken forward with Strathclyde Regional Council Social Work Department.

Because of the size of the catchment area and the level of perceived need identified in the review, the working group developed what the chair considered “a very ambitious” proposal for urban aid funding. Rather than settling for two solicitors, the group proposed that the centre have three solicitors and two trainee solicitors, with the centre as a whole costing £250,000 per annum. SRC was not willing to back a project of this scale. The group then submitted a revised proposal the following year, cutting back to two solicitors and one trainee at a cost of £150,000. The council decided to back this application and it was successful with The Scottish Office at the first attempt.

The background to this centre is comparable in many ways to those of Havebury and Old Green (detailed below). Each arose from an existing project, the BCIP in Strathclyde and the Community Development Projects in the West Midlands. These earlier projects each identified the need for a law centre. In addition, rather than coming from out of nowhere, in each of these cases, as with Stewarthall, Newchurch and Northhouse, there was at least some level of existing community organisation to provide support for the working groups. Indeed, the initial working groups were in many ways already formed and did not, in the early stages, have to be recruited. The Burnhead centre also benefited from the support of an existing law centre, Easthill, and indeed a staff member from Easthill joined the first Board of the Burnhead centre.

## MUIRLANDS, 1997

We have already seen that there is great variation in the length of time it takes to get a law centre off the ground. At one end of the scale, the gap between the idea for the Stewarthall centre and its opening was very short. At the other end of the scale is the centre in Muirlands. The centre opened in 1997, but one of the founders had been

thinking about it “for around 25 years”. Although the idea was not actively pursued throughout this period, this contrast demonstrates the difference that can be made when a person in a position to make a difference decides to use their influence to make things happen.

Although well known in the local voluntary sector, the main mover behind the Muirlands centre, Michael Davidson, could not really be described as being influential in the same way as the senior council official in Stonybridge. Nevertheless, he was either a member or chair of a number of different local management committees and had been involved in the local Trades Council (the local branch of the Scottish Trades Union Congress) and Unemployed Workers’ Centre for many years. It was through his involvement in the STUC that he first came to hear of law centres in the early 1970s, before Scotland even had a law centre. Although he did nothing about setting up a centre at the time, the concept remained in the background of his thoughts. In 1985, the Trades Council successfully won urban programme funding for the Unemployed Workers’ Centre, providing welfare advice and assistance with tribunal representation. Also involved with the local CAB, Davidson said that he could see that the two centres had a common problem: help could be given to a certain point, but the assistance of a solicitor was often required. This problem was particularly acute in this area because the local sheriffs were very hard on lay representatives (a view shared by the solicitor at the centre) and often would not let them appear at all.

Already conscious of the work of law centres, he made contact with several of the recently established centres in the Strathclyde area and attended early meetings of the Scottish Association of Law Centres in 1995. Attending these meetings with him was a representative of the council social work department whom he had approached with his idea. After learning a little more about law centres, how they operated and how they put together funding applications, and with the support of the social work department representative, a successful submission for urban programme funding was made.

The Muirlands centre therefore had strong links to pre-existing sources of advice: the CAB and the unemployed workers' centre. The initial work in getting the centre going was very much personality led: one person who was involved with agencies which had identified a need, who knew about law centres and who was willing and able to spend the time needed to find out more and put together a case for the law centre. As will be seen in the next chapter, however, securing funding was not the end of the beginning for the law centre: the real problems were yet to come.

## **WEST MIDLANDS**

### **HAVEBURY, 1976**

Like those in Newchurch, Northhouse and Stewarthall, two of the centres studied in the West Midlands arose out of pre-existing community organisations. In each of these cases, the area in which the law centre eventually emerged had been the location for a Community Development Project (CDP) that provided the genesis for the centres. However, while the idea for the next two centres emerged from a CDP, their transition to independent funding was very different.

The aims of the CDP (to help local communities to use their resources as effectively as possible to deal with the local aspects of wider problems: Specht, 1976) are in many ways similar to those of law centres. The problems with which both deal(t) may in part be symptomatic of national socio-economic conditions and government policy, but they can also be of a specifically local nature. Both types of project recognise(d) the importance of involving local communities in countering these problems on a local level.

The Havebury CDP, based in one particular community within the area, was the first to start in January 1970. It included a local education project, as well as an advice and 'opinion' centre, which was a focus for local opposition to current planning and

redevelopment initiatives. Through the advice centre it became clear that there was a need for support for those with social security and other welfare problems. The advice centre became a rights centre and trained local people in welfare rights work. The centre also ran free legal advice sessions. The final report of the CDP recommended the employment of a community lawyer. When CDP funding ended, funding for most of the initiatives was taken on by the local authority, in marked contrast to Old Green (see below). Thus the local centre became the area-wide Havebury Law Centre, focusing in the main on housing and welfare rights. Outreach services were provided for the rest of the area and the management committee drew members from organisations across the area.

The important difference between Havebury and Old Green (described below) was the approach of the local authority. In fact, the council in Havebury appears to have been exceptionally pro-active and forward thinking. A strong vein of municipal socialism ran through the council. One senior councillor who was closely involved in the setting up of the law centre and its supervision saw it as the council's duty to provide a legal rights service for the people of the area. There had always been a lack of direct welfare rights service provision in the area, a fact which in itself provided some of the impetus for the original advice centre and later the law centre. However, the council were perfectly happy to fund the law centre. Although a few councillors at the time were concerned that the law centre would turn around and challenge the council, this operational independence was not viewed as a problem by the majority. Indeed, the senior councillor, Jack Curran, stated that the council shared his view that clients should be able to pursue their rights, even if this meant taking action against the council.

Curran described the council's attitude as "very mature". Alan Fisher, a long-standing member of law centre staff, who had been involved since the centre was still part of the CDP, shared this view. It is slightly surprising, therefore, that the council sought considerable representation on the centre's management committee. Indeed, it only stopped short of a majority because this would have been *ultra vires*. Discussions with

the Lord Chancellor's Department indicated that such a move would in fact make the project departmental and, effectively, not a law centre at all.

The council was not seeking to curtail the independence of the centre, or to protect itself (although one councillor was initially suspicious of the centre, thinking it would attack the council, and so may personally have viewed his role as a form of control). Rather Curran described the council's view that it had a duty to provide the service and should be accountable for doing so. Councillors, as elected representatives, would bring democratic accountability to the management committee and indeed this accountability would be increased with greater levels of authority over the centre. Unlike in many other areas, as discussed in later chapters, the council's initial desire for heavy representation does not appear to have caused any particular problems for the centre, which became established and settled down very quickly.

Another potentially important factor in the birth of the Havebury centre was Curran's own approach. He had strong personal views about the right of citizens to legal services, stemming from his time as a 'poor man's lawyer' in the 1930s. Thus, his support for the idea of a council-funded law centre was the result of his own philosophical approach. While other interviewees pointed out that the centre with which they were involved would have been unlikely to see the light of day without their personal involvement, Curran saw himself as having had a far less decisive role. Undoubtedly he had influence<sup>21</sup>. However, given the council's municipal service ideology and the support given to most of the former CDP projects, any other outcome for the law centre appears unlikely, even had he not taken such a close personal interest.

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<sup>21</sup> Indeed later, as Vice-Chair of the West Midlands County Council Finance Committee, he persuaded that council to commit to a cost sharing arrangement for law centres in boroughs throughout the county. In this respect, he contributed to the establishment of centres in Longwinton and Westchester.

## OLD GREEN, 1977

The early history of the Old Green centre is in many ways similar to that of Havebury. The Old Green CDP started in 1972 and initially focused on serious local problems relating to employment and housing. Project money also financed an advice and resource centre and a minorities resource centre. When the CDP ended in 1976, alternative funding was required for a range of initiatives it had supported. In contrast to post-CDP experience in Havebury, the council in Old Green did not step in. Colin Barrett, later chair of the law centre, described how the advice and resource centres were seen as radical and closely identified with local left-wing councillors. The Conservatives had a majority at the time on the council and refused to provide even the 25% funding commitment that would be required for an urban aid application.

One of the CDP workers had previously been involved in another law centre. He suggested to those involved in the advice and resource centre that the area actually needed a law centre. Without funding, however, little could be done. The advice centre survived for a while, but the law centre as such never secured funding through the 'normal' channels. It was at this time that Lord Elwyn Jones, the Lord Chancellor, launched his 'life-boat' for law centres. Aware that a number of centres were in danger of closure through lack of funds, direct core funding was made available through central government for the first time. Seven centres were given this emergency funding. Although the funds were provided to prevent centres from closing, Old Green, which had never actually opened, was included in that lucky number. The impact of Old Green's central rather than local funding will be explored in the next chapter.

In terms of a pre-existing community basis, the centres in Newchurch, Northhouse, Stewarthall, Havebury and Old Green have something in common. However, the role of the individual appears to have been far less important in the latter centres than in those in Scotland. Perhaps this appears to be the case because, with the passage of time, the perceived impact of particular individuals recedes. However, information about the early days of both English centres was given by those involved at the time. It could perhaps be

argued that the CDP worker with previous experience of the law centre at Adamsdown was the key individual in Old Green. However, even his role appears far less decisive than that of those involved in Northhouse and Stewarthall, or indeed Jack Curran in Havebury.

## WHITETOWER, 1976

Whitetower enjoyed significant investment in the early 1970s through various successive government schemes aimed at regenerating run-down inner city areas. Money was invested in environmental and housing improvement, while further efforts were made to enhance the life of the community through the funding of such ventures as community arts projects and a community newspaper. The Department of the Environment also encouraged the formation of a residents' federation to bring together the numerous small residents associations that had formed over the years. The formation of the federation, as well as its mixture of white working class and middle-class graduate members, helped Whitetower become a prime site for a law centre.

However, while the law centre in Old Green grew, at around the same time, out of an existing project, the idea for the centre in Whitetower initially came from outside the area. A solicitor and an advice worker who were running an advice centre in another part of the area took the idea for a law centre to the council. The council was quite interested in the idea, but did not think that the originally proposed location was suitable. The council suggested a number of alternative areas with the community infrastructure they regarded as necessary to support a law centre.

One of the suggested areas was Whitetower. The Whitetower (Residents') Federation was approached, and a public meeting was held at which the idea was effectively sold to the Federation. Although it had never thought of a law centre (the then chair admitting that she did not know what one was), the Federation immediately realised that the idea had much to offer. With advice from other law centres, an urban aid funding application was put to the council. The council was also at that time considering an unconnected

proposal for the centre in Spring Park. Nevertheless, the council supported both proposals and put them forward to central government. Central government initially indicated that funding would only be available for one centre in the area and that the Spring Park application had a slight edge. After this initial disappointment, however, the government relented and offered support for both centres.

Two issues are of interest in relation to this centre. Firstly, the idea came from outwith the area and was initially intended for a different area altogether. It would be difficult in these circumstances to call this centre an expression of local needs and priorities. Nevertheless, it was the fact of a strong community network, centred on the Residents' Federation, that promoted Whitetower as a suitable location and it was the Residents' Federation that was approached to take the idea forward.

The second interesting point is that the idea was taken forward within the Residents' Federation by a mixture of working class and professional people, in addition to the progenitors of the idea, the solicitor and advice worker. Terry Ormond was one of these professionals, a local teacher. He became heavily involved in the early days of the steering group and went on to chair the centre's management committee. It was his view that the combination of traditional working class 'community types' and young left-wing professionals was vital to the project's success. The former provided the link to the community framework required by the council, while the latter had the range of skills required to get a complex organisation like a law centre up and running. He had a clear feeling that the law centre was 'a big deal', something rather more demanding than setting up a residents' association, and that others might not have the skills in dealing with other professionals that he might have. While he felt that some of those in the residents' associations might be "out of their depth", he also recognised that lawyers were not well equipped to deal with 'ordinary people'. Thus while he felt he had a very important role to play in setting up the centre, he also saw dangers ahead:

"The level of what was required in terms of grappling with some of these things was such that it did preclude a lot of people and there was then, I think, a lot of



sort of paternalism. A lot of the ‘oh yeah, we’ll set it up and then the local people will take it over’, which is a crazy idea.”

The extent to which this opinion was borne out by the subsequent decision to “broaden the base” of the management committee will be explored in the next chapter.

## SPRING PARK, 1976

As already noted, the Spring Park centre secured urban aid funding in the same round as Whitetower. However, the centres did not really have a great deal to do with each other during the set-up phase and developed in different ways. While the idea for the centre in Whitetower originally came from outside the area and was then taken forward by the residents federation, the centre in Spring Park was almost completely homegrown.

There was a wide range of politically and ideologically radical and independent community organisations in Spring Park in the early 1970s. The impetus for the law centre came from one such organisation, described as a “lefty alternative” race relations council by Ray Sissons, a volunteer at the centre who became director when the existing post-holder left. On looking through his predecessor’s files, Sissons came across an unworked proposal for a community solicitor. He had “a vague knowledge” of law centres and felt that it would be better to seek funds for a whole law centre rather than just one solicitor. He had never heard the community solicitor idea discussed and doubted whether the previous director had really thought about what such a solicitor could do. Nevertheless, he set about getting together a working group comprised of representatives of several of the local agencies.

This in itself was perhaps the biggest challenge. Most of the agencies had never worked together and, indeed, there had previously been a fair degree of mutual suspicion and mistrust, itself a result of the diverse ideological views of the agencies. Despite this fact, Sissons did not find it too difficult to convince the agencies that a law centre would be good for the area and good for them: it could act as a resource for the agencies by taking referrals from them. Nor did he recall any great battle to convince the council that it

should provide the 25% needed to secure urban aid funding for the centre. Some lobbying was required, but the centre steering group had the support of local councillors and MPs. In addition, although the council had no real community development strategy, Spring Park was a “fashionable” area for projects at the time.

In many ways, the Spring Park centre is the clearest expression of community need of all of the centres in the West Midlands. Ray Sissons was not some outsider with a good idea to be ‘donated’ to a host community. Nor was the law centre a logical extension of the work of an existing agency. Rather, Sissons was a committed community activist with a number of years’ experience. He brought together the sketchy outline plans of his predecessor with his own very basic knowledge of law centres and sought to develop the idea with other community activists. It was not his position that enabled him to do this, but rather his willingness to forge links between otherwise uncommunicative organisations appears to have been the key to getting the Spring Park centre off the ground. The other agencies were keen enough to get involved as they could immediately see that they all stood to benefit from the centre. However, it is unlikely that it would have happened at that time without Sissons’ input (one could only speculate what might have happened in subsequent years, following the advent of the centres in Whitetower and Old Green). As Sissons himself puts it:

“This may sound all very personality based, but I think if you actually want to understand how things like that happened in those days I think it’s as much to do with personalities as it is to do with social action or whatever.”

## WESTCHESTER, 1981

Details of the early days of the centre in Westchester were harder to come by than for any other centre. Although interviews were conducted with two of those involved in the early days of the centre, both became involved after funding had already been secured, one as a member of the management committee and one as LCF development worker. As such, they could but speculate as to the reasons for the centre coming into being and the motivations of those involved.

Paul James had previously been on the management committee of the Old Green centre but had worked in Westchester for a couple of years when he became a housing charity's representative on the fledgling law centre management committee. His impression of the centre was that it was very different from those in Old Green, Whitetower and Spring Park. Those behind the Westchester centre were, he felt, far more mainstream in their politics and methods. They were not community activists of the kind that had been behind the centres in Whitetower, Old Green and Spring Park because they had wanted to "see something happen" in their area, to develop "a legal response to the perceived ills of the state". Rather, those in Westchester had seen the development of law centres in these areas and had felt that it would be good for them too, an extra resource for their community. Thus James described them as "centrist political people and mainstream ethnic groups" rather than the more radical groups involved in the other centres. For example, one of the black groups involved in the Spring Park centre had no funding for its activities because it believed that accepting funding from any source would be against its independent and radical ethos.

The national liaison officer for the LCF at the time, Douglas Turner, was heavily involved in the later West Midlands centres, but came on board after Westchester had already got going. His perception of the centre was much the same as James'. It was not driven by a need for legal services identified by any particular group or individual. He described one of the centre's founders as "a voluntary sector hustler" who simply saw it as another project to be involved in. The "geriatric white old labour" borough council backed the project but it was unclear whether they really knew what they were likely to get, or even what they wanted:

"In those days, if you hit all the target figures for unemployment and poor health, you saw [a law centre] as one of the things you assumed you needed. I don't think they gave it any thought, other than seeing it as an additional resource in an area needing regeneration."

The lack of real motivation identified by both of these interviewees may have been at the root of the problems that dogged the centre throughout its life. These were typified by

the fact that it was over two years from the granting of the urban aid application to the centre actually opening its doors. These problems will be explored in the next chapter.

## LONGWINTON, 1985

In some ways, the centre in Longwinton shares a common thread with that in Stonybridge, in that a local authority officer took the initiative by suggesting a law centre for the area. While the official in Stonybridge was the Chief Executive, and so carried a certain weight, a community development worker came up with the idea for Longwinton. The council at the time was proactive in terms of community development and dedicated officers were sent into the community to see what kinds of projects might be needed and to encourage ideas and suggestions.

At around the same time, the National Association of Citizens Advice Bureaux was providing a regional resource by way of a Tribunal Representation Unit (TRU). Richard O'Toole, later a councillor himself and a long-term member of the centre's management committee, worked for the TRU. He had previously given some consideration to the relationship between advice and legal services, having been involved in making a submission to the Benson Royal Commission on Legal Services. In his TRU role, he also saw the need for additional legal resources in the area. Although it is unclear whether he had previous contact with the council's community development officer, or whether the latter came across the idea for a law centre independently, the pair provided a strong basis for the development of a working group.

O'Toole recalled that one of the first people contacted was a local university lecturer who was also involved in the local CAB. A group was duly formed involving people such as social workers, advice workers and representatives of the local trades council. The working group approached the Law Centres Federation and Douglas Turner, the LCF's external liaison officer, gave what O'Toole described as "tremendously enthusiastic support". He provided advice about constitutional arrangements, the preparation of funding applications, liaison between the group and the local authority

and other local interests. Turner stressed that his input to the Longwinton proposal was not as great as to some others as it was professionally led from the outset by the development worker. Both O'Toole and Eric Wilson, the university lecturer, were active in the local Labour party and as such had good contacts with local councillors.

Despite this strong base, the helpful support structure and O'Toole's recollection that "council expenditure was nothing like as tight at the time as it is now", the group was not immediately successful in securing funding. Indeed, the local council only committed to the centre when the County Council agreed to contribute some funds. The urban aid application reached central government with priority status afforded it by the council and it was duly granted. O'Toole's perception was that the County Council had quite a bit of money available at the time and 'bailed out' a number of projects. However, Douglas Turner suggested that there was a little more behind the support from both WMCC and central government.

In the early 1980s, the LCF spent a lot of time lobbying both central and local government on the merits of law centres. Turner described how the LCF were "getting nowhere" with the Lord Chancellor's Department, so sought to persuade others that law centres should be at the heart of the urban programme. For this strategy to work, they felt that they had to be involved in the development of law centres on the ground. In this way they could educate local authorities and convince them to back funding applications with as high a priority as possible. At the same time they could 'work on' central government. The result was a positive relationship with the Department of the Environment, which administered urban aid, and some progress with local authorities. In particular, the LCF encouraged the threatened Metropolitan County Councils, such as that in the West Midlands, that they could do a lot worse in terms of retaining popularity than to fund projects such as law centres.

In the West Midlands, these calls were not ignored. Jack Curran, the council stalwart who gave such enduring support to the law centre in Havebury, was by this time a West Midlands County Councillor and was himself doing much to encourage support for law

centres from within. Thus, the centre in Longwinton had the benefit of a strong initial working group, sound political contacts, support from the LCF and a sympathetic County Council.

The Longwinton centre, along with that in Petersedge and three others around the country, was granted its funding in the 1984 round of urban aid. While the efforts of both the working group and the LCF appear to have paid dividends on this occasion, this was the last urban aid round through which funding was made available for law centres in England and Wales. No central government money has been available for new law centres since 1984. By way of contrast, all but one of Scotland's centres has opened since that time.

#### PETERSEDGE, 1984

Most of the centres discussed thus far have come from somewhere, in the sense that they are the results of the efforts of individuals with previous experience or specific knowledge of law centres. Alternatively, they may have developed out of pre-existing initiatives, or have arisen from the activities or concerns of other agencies or organisations. The centre in Petersedge shares little with these centres by way of history. It very much appears to have sprung up from nowhere with the initial impetus quite simply being one person's good idea (although this does not mean it suddenly burst onto the scene).

Within a short period of time, Helen White, a local resident and shop-keeper, had first hand experience of both the law and local authority planning and housing policy. Angered by what she had seen and vaguely aware of their work in other areas, she decided that what her area needed was a law centre. She had no particular knowledge of law centres or their work, but had picked up from the media a general idea of what they did and the groups they served. Personal circumstances meant that she had a lot of time with which to develop her ideas. She contacted one of the nearby law centres and was advised to get in touch with the Law Centres Federation. Having done so, she learnt

more about law centres and their work and was given advice on many aspects of getting together a steering group. The Regional Development Worker provided additional advice. Further personal support came from a friend with experience of both the local authority and community development work. White also contacted her local ward councillors, who she described as supportive. She arranged a meeting with a number of local organisations and groups to discuss the possibility of putting together a funding application. The Regional Development Worker spoke to this meeting and a steering group was duly formed.

One of the attendees at the meeting, Alistair Wheeler, was a polytechnic lecturer who was involved in a community action group and also happened to have recently represented himself in a court action. He recalled how he had been no more impressed with the accessibility of the legal system than had White and was keen to become involved with the fledgling law centre. Wheeler went on to become the centre's first chair, a position he maintained right until the centre closed. The original group also included a representative of the local Trades Council, the local CAB, a law lecturer and some community workers. Although Wheeler described this group as "quite balanced", this should perhaps be viewed in the context of other comments made by interviewees about Petersedge in general. There is a general perception that Petersedge at the time was very conservative and it did in fact have a Conservative council. Even the Labour group were described as exceptionally conservative and certainly not socialist as such. The area did have significant areas of deprivation but was not, as a whole, as deprived as much of the surrounding area. The lack of radicalism in local politics appears to have been reflected in the composition of the steering group, the management committee and indeed the work of the centre itself, as will be discussed in later chapters.

The steering group developed their ideas and took them to the local council, with the hope that the project might attract, firstly, their support and secondly, urban programme funding. White felt that the Conservative group was initially extremely suspicious of the idea of a law centre. Although the council did offer its support, she described this support as "lukewarm to say the least". This view was borne out when the Department

of the Environment (DoE) twice refused funding for the law centre. The reason for the refusals was given as the lack of priority attached to the project by the sponsoring council. The DoE had for several years supported every application for a law centre which had been given a top five priority by the council involved.

Following these disappointments, the group made a joint funding application for the year 1983-84 to both the local council and the West Midlands County Council (WMCC). Jack Curran's efforts to ensure WMCC support for law centres throughout the county were described above. To say that these efforts paid dividends for Petersedge would be somewhat speculative. It is, however, likely that they had some impact on WMCC's approach. It is also interesting to note that Douglas Turner, the LCF Development Worker, had written to a county councillor the previous year to discuss funding difficulties being faced at that time by the Whitetower and Spring Park centres. He took the opportunity to suggest that WMCC might like to step in to help the Petersedge centre, given the lack of priority being afforded to the centre by the local council. He did so without telling the Petersedge steering group. It is possible that these early efforts may have contributed to WMCC's decision to fund the centre. Thus at the third time of trying, a WMCC supported application was accepted by the DoE and the law centre opened in 1984.

The Petersedge centre is interesting for four reasons. Firstly, it was the result of one individual's personal interest and efforts. Secondly, that individual knew very little about law centres and had no idea how to go about setting one up, but was given vital support by other law centres, the LCF and their local development worker. Thirdly, the steering group which formed consisted almost entirely of 'middle-class concerned citizens'. The development of this centre was certainly not top-down. However, in common with many other centres, it cannot really be described as being a grass-roots development. While some of those involved may have been motivated by their own experiences, they did not represent the centre's intended user group. Indeed, White stressed the lack of local community involvement.



Finally, the Petersedge centre is of interest because, having failed to get sufficient support from its local council, the centre had to seek support from the County Council in order to get funding. The result was that a law centre emerged in an area that was atypical of those in which other law centres existed: deprived, but not as severely as most areas, Conservative run and renowned for its lack of radicalism. This was viewed as a strength: it was important to show that a centre could exist in a non-archetypal area. At the same time, however, it meant that the first management committee had to recognise these differences in developing the law centre. As Alistair Wheeler reported in his introduction to the centre's first Annual Report, the examples of law centres they had seen existed for the most part in totally different contexts. As such, the steering committee "moulded and adapted the fundamental concepts" of a law centre to the needs of the area. The impact on the longer-term survival of the centre of its context will be explored in later chapters.

## **CONCLUSION**

The experience of those involved in the establishment of the law centres in this study suggests that, while there are similarities between the births of many of the centres in both areas, there is no 'ideal type' when it comes to describing law centre development. Even superficially similar stories, such as those of Havebury and Old Green, or Northhouse and Stewarthall, can be differentiated in many apparently vital respects. There are almost as many routes to getting a law centre off the ground as there are law centres. Development can take years or occur almost overnight. The need for a law centre may either be assumed or be demonstrated through detailed research. Those involved can have little or no knowledge of law centres or have been involved with them for most of their professional lives. Success might depend on one key individual or be almost inevitable for a particular area. The development of centres can be top-down (the idea coming from funders), bottom-up (stemming from those involved at community level), or lie somewhere between these two points.

Given the hypothesis to be tested by the thesis, it is noticeable that few elements of the accounts given of the emergence of these centres relate to the power of the legal profession. Indeed, there is very little mention of local lawyers, who, based on the position adopted by their national representative bodies, one might have expected to oppose law centres. Further, there is little immediately apparent evidence of the power of the dominant paradigms of legal needs, legal services and legal practice having had an impact on the birth of these centres. However, a more detailed analysis of the evidence and the extent to which it supports the power hypothesis is provided in Chapter 8.

The particular combination of circumstances and drivers that impact on centres in their ‘pre-birth’ phase can be of vital importance once the milestone of getting a centre going is passed. They will, therefore, form part of the analysis in the chapters to follow.

## CHAPTER 6: THE SECRET LIFE OF LAW CENTRES

The purpose of the preceding chapter was to outline the birth of each centre: the circumstances in which they came into being. The purpose of Chapter 7 is to explore the events leading to the closure of each centre. This chapter looks at the lives of the centres between those two events. It is, of course, these lives that make law centres interesting. The innovative methods of providing legal assistance they employ, the subject matters they tackle and the client groups they serve all mark them out as an exciting and important part of the legal services landscape. In addition, the departure they mark from the traditional structures and organisation of the delivery of solicitors' services make them a deserving subject of academic inquiry. Sadly, however, law centres throughout the UK have often attracted attention for all the wrong reasons, because of their problems rather than their achievements. It is not the aim of this study to attempt to redress this balance by documenting those achievements: that would be another piece of work altogether. Nor is the general purpose of this chapter to explore the practicalities of providing a law centre service (although some of the issues explored do themselves cause practical difficulties). Instead, this chapter explores a range of more organisationally focused issues that arise in the course of law centres' lives.

Because of the largely, although in some cases fairly recently, historical nature of the study, this is necessarily a partial account of each centre's life. The extent to which a centre's life is explored is inevitably in part dependent on the availability of documentary evidence and interview respondents. This is not overly problematic for a study of this nature. It does not set out to detail every significant chapter or event in each centre's life, from beginning to end (and indeed, it would be impossible to do so). Instead, it seeks to identify particular episodes that can contribute to an understanding of the factors behind a centre's birth, life and, in some cases, death.

Inevitably, the focus of this and subsequent chapters is those centres that appear to have faced more challenges than others. In general, there is less to say about the centres in

Scotland. Most of them were young at the time of the study and most appear to have had fewer problems than most of those in the West Midlands.

It should also be noted that, just because a particular issue is not explored in relation to a particular centre, it cannot be assumed that it did not affect that centre. For example, most centres raised the issue of funding, both the sheer lack of it and its insecurity. This problem appears to be endemic, not just for law centres but for many other voluntary sector agencies. In general, funding problems are, therefore, only explored where there is some other reason for doing so, or where they are themselves a result of some other issue (for examples of funding crises facing law centres, see Stephens, 1990).

As described in the introduction to Chapter 5, this chapter is restricted largely to the presentation of evidence, rather than the analysis of emerging themes or an appraisal of the power hypothesis. This is explored in depth in Chapter 8, with Chapter 9 exploring possible alternative explanations for the development of law centres.

## **STRATHCLYDE**

### **SOUTHFIELD**

Despite being Scotland's longest running law centre, Southfield appears to have had a largely trouble-free existence. We saw in the last chapter that the centre only opened after protracted negotiations, which one might think would not have augured well for the centre's chances of survival. Due to its urban aid funding, however, the centre did have a degree of in-built security during its early years. It was when this period was drawing to a close that, perhaps predictably, the centre's only real phase of difficulty started.

The joint proposal by the regional CAB committee and Charles Heath discussed in the previous chapter envisaged a combined centre. The CAB would provide a diagnosis service and refer complex cases through to the solicitors located in the law centre, with the two centres being jointly managed. It soon became clear that this was not how the

centre would operate in practice. From the outset, there were separate managing committees for the law centre and CAB, with a joint Co-ordinating Committee overseeing the project as a whole but without any executive control. In addition to this variation on the proposed management structure, the level of referrals to the law centre did not meet expectations. To remedy this problem, the centre developed a more proactive community focus which itself required substantial input of the solicitors' time. It also generated direct referrals i.e. cases which bypassed the CAB, or only came through the CAB for administrative rather than diagnostic reasons.

The centre's Co-ordinating Committee undertook a review after four years, to inform the council regarding the first four years' operation and make recommendations for future structure and funding. Experience to date led to a recommendation that the two centres split: "a fiction has been maintained that this is a totally integrated project when in reality in terms of constitutional structure and practice two separate organisations have been operating" (Southfield Law Centre, Review and Proposals for Future Funding, p.38). Separation, it was argued, would allow the centres to develop in accordance with the needs of the community and the services that could be provided by each, rather than within the limitations imposed by the joint structure.

The review was requested by the council, which had to decide whether to support a bid for additional urban aid funding, as well as having an eye on its own future responsibilities *vis a vis* the project. The council's response to the Committee's review document was not, however, what the Committee might have hoped.

The council accepted that the combined centre should be dissolved and that two independent centres should be established, a CAB and a law centre. The council agreed with the recommendation that a two year extension of urban aid funding be sought for the CAB. However, the council's supervising officer viewed the law centre rather less favourably, recommending an extension of "not less than six months and not more than one year" (report to Strathclyde Regional Council on Urban Aid Terminating Project, 12/9/83, paragraph 5(c)(i)). In justifying this limitation, the report refers to a range of

developments since the centre had been set up. These included an increase in community development and welfare rights work done by the council, the imminent formation of the organisation that would later provide the model for the formation of the Easthill centre and an increase in the number of lawyers' offices being set up in peripheral areas. As the centre itself noted, none of these points related directly to the law centre itself, but related to the council's approach to legal services in general (management committee minute, 21/9/83).

The report does, however, contain other statements regarding the centre itself. The review document prepared by the Co-ordinating Committee was circulated by the council to "over 100 local groups and individuals for comment" (report of 12/9/83, p.2). Most of the comments received came from groups involved in one or other of the management committees. This appears to have led the supervising officer to conclude that "the [CAB's] lack of involvement with professionals working in the area is a matter of grave concern" (p.5) and that "the law centre has failed to establish its relevance to groups in [Southfield]...[and] little or no attempt has been made to establish working relationships with the providers of other services in the area" (p.8).

In its response (dated 30/9/83), the management committee rejected these assertions. It criticised the lack of time given for organisations to respond to the council's consultation and suggested that not all relevant organisations were contacted. At the management committee meeting at which the response was discussed, the director of the centre indicated that to his knowledge "local groups were asked to comment in the first instance and...other groups, particularly the professional representatives were being asked to comment later" (management committee minute, 21/9/83, p.3).

Whether the consultation was biased or not, the supervising officer was sufficiently concerned to recommend the formation of a new law centre management committee "taking account of the earlier comments in relation to local representation and community accountability" (p.7). The "earlier comments" actually related to the CAB rather than the law centre. Nevertheless, it is clear that there was a general concern about

the management of the centre as a whole, in terms of both policy direction and day-to-day running. There was also a focus on the level of professional involvement in the management committees:

“the committees are not only very large but also weighted in favour of the professional representation...[they] have been completely inhibited by the weight of the professional input and have never come to terms with their management role” (p.2).

It is also interesting to note that the centre itself in its own review report identified a problem in terms of the legal representation on the committee and how this had a direct impact on the extent of the centre’s community work:

“with the advantage of hindsight a more vigorous and radical attempt at development could have occurred, although this could not have been known given the nature of the advice [on the areas of work permitted under the centre’s Statement of Intent] being offered to the Committee by the legal representatives on the Management Committee in contradiction to the views and actual decisions taken by the Director” (Review and Proposals for Future Funding, p.19).

There emerges a complex series of inter-related issues relating to professional involvement and community accountability. The supervising officer clearly took issue with the level of professional involvement in the management of the centre and yet also decried the centre’s lack of relevance to professionals working in other organisations in the area. The centre itself seemed to agree that the legal representatives on the management committee had had an inhibiting effect, but rejected the assertion that the centre had not established relevance with other professionals.

However, the criticism of the law centre went further. The council’s report referred to criticisms of staff practice, both from the local MP and from others submitting comments on the law centre. Although the nature of these criticisms is not specified, the report suggests that they relate in the main to the “young and inexperienced” solicitor. The management committee demanded that any criticisms of staff should be detailed so that their veracity could be assessed.

It is clear that the supervising officer had a ready-formed opinion of the centre and the causes of its problems, which she would have formed through her own dealings with the law centre and involvement in the management committee. There is, of course, always a danger that personal opinions may be influenced by the relationships between those involved in a project. Interviews with staff and management of the centre at the time suggest that there were personality clashes between the supervising officer and the professional staff of the centre. In particular, there were differences in view between the director of the centre and the supervising officer as regards the role of community organisations in running the centre. It is possible that these differences influenced the focus of the supervising officer's report.

However, the council had consulted more widely, rather than simply taking a decision based on one person's assessment of the situation. The distance of time makes it impossible to ascertain whether the supervising officer selectively gathered or presented evidence to support her own opinion, or actually believed that the evidence she advanced usefully demonstrated the issues she had identified herself. In a sense, this is unimportant. What is important is that she had such concerns about the centre that the report was so clearly critical, regardless of the strength of the evidence.

As we will see, funders are often concerned that there is too *much* community control and that this allows 'undesirable sorts' to take over a centre and push it in a direction contrary to that supported by the funder and, often, remaining management committee veterans. However, the main concern of the supervising officer appeared to be that there was too *little* community control. This appears strange, given that Matthew Dench (then a solicitor at the centre) and May Irvine (chair of the management committee at the time) described how a group of "anarchists" took an interest in the centre at around the time of the review. The anarchists were apparently concerned that the centre was not truly accountable to its community, and by implication was not meeting the community's real needs, and sought to bring their influence to bear on the centre's direction.



According to Dench, the anarchists took a “very disputatious, impatient approach” of the kind that did not go down well with the remainder of the management committee or, one would imagine, the council. Indeed, both Dench and Irvine referred to the anarchists aggravating the council. It is possible that the timing of the report and the anarchists’ involvement did not coincide exactly (although there is a reference in passing in a subsequent report to “power struggles and the management being weakened by internal strife” (‘Report by Panel A’ on Urban Programme Terminating Project, 14/10/83, p.8)). Whatever the specific issues within the centre at the time, it is clear that community control was a major issue for the centre and the council.

The supervising officer’s concerns may have stemmed from the views of other organisations or from her own assessment of the centre’s operation. Alternatively, they may have been sparked by the involvement of anarchists or personality clashes. Whatever the source, it is clear that the council as a whole shared many of her concerns about the direction and management of the centre. The council’s view was made clear in a follow-up report considered by the council just a month after the initial report:

“further movement [towards a community development stance] must take place if the centre is to avoid the fate of some of the English Law Centres which have become swamped with individual casework and so provide little more than a second class legal service to the poor. It is believed that a publicly-funded Law Centre can, and must, provide more than that” (‘Report by Panel A’, para.7).

The views expressed here certainly demonstrate some understanding of the problems faced by other law centres and the difficulties of drawing back from a casework orientation once it is well established. The intensity of such problems has been recognised by others (see, for example, Stephens, 1982 and 1990). It is clear that those reviewing the Southfield centre had studied the operation of other centres and taken a firm view based on what they had seen. As the experiences of other centres discussed below suggest, this is slightly at odds with the direction preferred by the funders of many of the centres in this study, which is to push a troublesome law centre back towards casework.

It is unclear exactly why the council took this view. It may be that the council believed that, as suggested in the review report, the work of welfare rights workers or the expansion into housing schemes of private lawyers reduced the need for direct casework. A cynic might suggest that the council had had its fingers burnt by the law centre in challenging its housing policies, but the council's subsequent commitment to the further development of law centres suggests that this was not the case. It is also slightly puzzling that the council seemed very concerned that the law centre should focus its activities entirely on Southfield: it felt that services that might have wider benefits should not be provided by an agency based in a peripheral scheme.

As well as redirecting the centre's energies towards Southfield and community legal work, moves were made to adapt the centre's constitution to reduce the legal professional involvement and increase community representation. Indeed, at around this time the council's concerns about community involvement extended well beyond the law centre. According to Dench, there was a widespread concern that the same small group of people felt that they should be running everything within the Southfield community. The council therefore adopted a policy of increasing participation in all sorts of organisations within Southfield, of which the law centre was just one. With the increase in the number of community projects in Southfield and an expansion and diffusion in community participation, the spotlight moved away from the law centre.

Other than the endemic problems of quantity and security of funding, the centre does not appear to have suffered too many subsequent problems. Indeed, the centre appears to have demonstrated an impressive degree of stability, both in management and staffing: the first director of the Southfield centre stayed for six years or so and the current director has been at the centre for over twice as long. Of the centres in the West Midlands, only Havebury has seen anything approaching this degree of staff stability.

Taken alongside evidence from other centres, the issues emerging from the experience of the Southfield centre, its relationship with the council and the council's view of the

centre's role are of particular interest in the context of an assessment of the power hypothesis. This will be explored in detail in Chapter 8.

## EASTHILL

While the council had felt that the Southfield centre was not sufficiently responsive to its community and consequently requested a revised management structure, the Easthill centre was examining its own approach to community accountability at the time of the research for this study. Although there had been few problems of the type seen in many of the centres in the West Midlands, discussion with Matthew Dench seemed to suggest that this was itself a problem. He felt that management committees *should* regenerate to a greater extent than had been seen in Easthill, to ensure continued accountability. Thus the stability of the Easthill management committee could in fact be seen to limit the centre's accountability. The centre was therefore considering whether it should change the basis of its management committee membership. The issues raised by Matthew Dench will be discussed further in Chapter 9.

## KIRKFOOT

Many of the problems of the centres in the West Midlands explored below relate to race. Conflict may arise from the perceived failure of a centre to meet the needs of the local minority ethnic population, or from the exclusion of non-minority client groups. In other cases problems stem from ethnic politics, particularly the dominance of particular minority ethnic groups in the running and direction of a centre, or the ethnic dimension of local intra-party politics. With its focus on minority needs in particular, it might be said that the remit of the Kirkfoot centre effectively built in some of the potential tensions that had arisen in the centres in the West Midlands.

Clearly, the perceived exclusion of *non*-minority interests could not become an issue in a law centre set up specifically to meet the needs of minority groups. However, it also proved difficult to identify instances of any other problems of the kind set out above.

Perhaps the practically ever-present nature of such issues in the West Midlands means that people are more willing to discuss them openly. There certainly appeared to be greater sensitivity in relation to the Kirkfoot centre than any of those in the West Midlands. There were vague suggestions of struggles to ensure that the needs of various groups and their role in running the centre were recognised, but these were not elaborated. Although details were sketchy, it also appears that at one stage the centre was implicated in a wider controversy involving prominent local political and business figures. However, it appeared that the law centre was implicated by association, rather than by way of specific allegations relating to the centre itself (providing an interesting contrast with the experience of Old Green described below).

This evidence is clearly inconclusive. However, it appears that the Kirkfoot centre has not been left entirely untouched by the kinds of problems that are so prominent in the accounts of the lives of many of the centres in the West Midlands. Nevertheless, the main concern expressed about the Kirkfoot centre was the insecurity and inadequacy of its funding and a now resolved disagreement over the balance of power between the management committee and the legal staff. In other words, as well as the extra dimension of ethnic politics, the Kirkfoot centre faced the same problems as other centres in both Strathclyde and the West Midlands.

## NEWCHURCH, NORTHHOUSE AND STEWARTHALL

It seems to be far more common for the Scottish centres to be part of, or at least be strongly associated with, other bodies. Although the Old Green and Havebury centres both evolved through the CDP, the CDP had ended when the centres were established. We have already seen the difficulties faced by Southfield due to its foundation alongside a CAB. The dangers of being part, or being seen as part, of a wider organisation also arose in Newchurch.

The Newchurch centre was originally set up under the auspices of the local Council for Voluntary Organisations (CVO). The CVO was subsequently disbanded by the district

council and, despite funding having already been allocated, the establishment of the centre was set back by six months until a new management committee could be formed. Having survived the loss of one 'parent' organisation, the centre became associated with the local council and Partnership. This was due in part to its location (across the corridor from the Partnership's offices) and in part because council staff originally dominated the law centre's management committee. A solicitor at the centre described how it had to strive to build its own identity, separate to both the Partnership and the council. This was important because the Partnership was "not a popular organisation". At the time this research was carried out, the centre was still young. As such, it is not possible to speculate as to the consequences of these associations (actual or perceived). However, awareness on the part of the law centre to the potential difficulties appeared to have minds working as to how to resolve the situation satisfactorily.

The centre in Northhouse was intimately related to the local Community Organisations Council (COC). The centre's funds were administered through the COC and the COC had co-opted members on the centre's management committee. In general, being part of the larger organisation appeared to cause few problems for the law centre. The centre's director thought this was as much to do with luck as design. He felt that it happened to work because of the personality of the managing director of the COC. Nevertheless, he would not have recommended the structure (the centre became a wholly owned subsidiary of the COC) precisely because it was vulnerable to changes in personality. In addition, it would not always act in the centre's interests to be part of the COC. With many different projects covering a wide range of community interests, some viewed the COC as something of an 'empire'. The individual projects could, therefore, suffer by association. Eventually, the COC collapsed and went into liquidation, leaving the law centre to renegotiate terms with the council. This it successfully did and thus the centre outlived its parent organisation.

The Stewarthall centre was founded in similar circumstances to that in Northhouse, also as part of the local COC. Experience in Stewarthall had, at the time of the research, been largely positive. The principal solicitor at the centre thought that it actually benefited

from being part of the larger body. Being part of the COC meant that community control was strengthened, which in turn enhanced the centre's credibility within the local community. Although the issue had not really arisen, he also thought that the COC could provide protection if ever the law centre were attacked. The centre itself was quite small and could draw on the COC's wider support and resources and could benefit from the economies of scale realised by the COC.

Clearly, the impact of being part of, or associated with, a wider organisation will depend to some extent on the larger body itself. The Stewarthall centre might benefit from the COC's support in the local community, but the Northhouse and Newchurch centres were associated with organisations viewed by the local community with suspicion or possibly resentment. The other benefits of being part of a wider organisation seen by the Stewarthall centre – resources and economies of scale – are clearly of no use if the wider body has financial difficulties, as was the case in Northhouse. In conclusion, the experience of these centres appears to suggest that there is nothing in principle against a law centre being associated with a wider organisation. Clearly, however, in such a situation the law centre becomes sensitive to changes within the larger body and flexibility should perhaps, therefore, be sought.

## MUIRLANDS

The relationship between a law centre and its funder is of the utmost importance. As noted in the previous chapter, a centre needs some form of financial support and this has most commonly come from local authorities, either through direct grants or through the urban programme. Local authorities are accountable for the funds they distribute and so will often become concerned when they perceive problems within funded projects. As shown below, local authority concern can take a (sometimes surprisingly) long time to germinate. In Muirlands, however, the concern arose before the centre had even opened its doors. Indeed, the concern stemmed from the very time taken by the law centre to get going.

The centre did not open to the public until some 21 months after funding was approved. The senior solicitor had by this time been in post for 14 months, with further staff, including a second solicitor, appointed between nine and three months before opening. Interviewees described a number of factors in the delay, some completely outwith the control of the centre. These included structural and other problems in the first two of three proposed premises, wrangling over the constitution and composition of the management committee and negotiation with both the Law Society and the local faculty over the centre's remit. Nevertheless, the centre attracted attention because of this period of operational inactivity during which public funds were being spent and no service provided.

These circumstances were indeed unfortunate and one might expect any funder to be concerned at the apparent lack of progress. However, additional contextual factors meant that the centre's problems attracted more attention than they might otherwise have done. The centre's period of inactivity coincided with one of the regular re-organisations of local government that have peppered the local political scene for the last thirty years. Thus a new authority inherited a funding commitment made by its predecessor, a large council with a well developed social strategy. The new authority did not have such a strategy and began a review of all of the urban aid projects it had inherited. A council officer described how, as an expensive project that was not doing much, the law centre naturally came under the spotlight. However, it was not singled out. A number of other projects had already closed or been earmarked for closure by the time the law centre finally got itself going.

The law centre, however, was something of a different beast to other funded projects. For one thing, it cost more. For another thing, the involvement of lawyers caused additional problems. As already mentioned, there had been several discussions with the Law Society and local bar about the centre. However, the legal aspect caused the council some concern. As the council officer opined:

“The law centre has found itself under the sledgehammer of [the review of inherited urban aid projects] because, almost unknown it had got itself into an impasse with a whole range of problems, some quite simple, such as premises, but others to do with what they could and couldn't do for legal reasons - and that's where we suddenly found ourselves saying wait a minute, we are in territory here that we can't deal with. I can't say whether you need a £20,000 library to operate, or a certain type of physical premises before the Law Society will allow you to practice: we were into areas where we felt we don't know whether the wool was being pulled over our eyes - are these real problems or imagined?”

In a sense, this statement provides credence to the view expressed by a solicitor at the centre that the council “did not understand” what it meant to run a legal practice and how this differentiated the law centre from other urban aid projects. However, understanding is a two-way thing. Just as the council might not have appreciated the role of, for example, the Law Society and the rules of legal practice, it cannot be assumed that the solicitors involved appreciated the difference between private practice and the voluntary sector, local authority funded context. Law centres involve both voluntary management committees and third party funders. Outside observers have noted (both in general and in relation to this particular centre) that solicitors coming from private practice might have difficulty adapting to this different model of practice.

Thus the law centre model caused difficulties for both the funder and the staff of the centre. This is a theme that emerges from other accounts, which also show the difficulties the law centre model causes for management committees. This clearly relates to the power hypothesis and accordingly is explored in depth in Chapter 8.

As far as the Muirlands centre is concerned, it seems likely that there were misapprehensions by both funder and staff and that both had some reason for concern. The local authority's concerns led it to take apparently rather draconian action by insisting on a revised constitution and greatly increased representation on the centre's management committee. As a member of the management committee commented, “it's as if this is no longer a voluntary project and it's a departmental project instead”. The council officer admitted that the law centre was now under far closer supervision and was being judged by far higher standards than any other urban aided project.



In the context of the lifetime of an urban aid grant, the centre had really cut out its work in terms of impressing the council and convincing it that the centre would be worth maintaining. As a solicitor from another centre commented, “projects like law centres don't have time to find their feet.... they really don't have a year to get going - they have to show results”. However, the degree of council scrutiny now meant that the centre would effectively be unable to ‘go off the rails’. This might help ensure that when the time came for reassessment of funding, the council could not have any nasty surprises. The council officer suggested that this was indeed part of the reason for the increased scrutiny. It also appeared to give the solicitor some comfort, in that the strict supervision meant that the council had effectively assumed responsibility for the performance of the centre.

At the time of the research in 1997, it was too early to tell whether the new arrangements would hinder the centre in doing its work, or would prove too great a compromise of its community control. A council which does not see any results from a centre is bound to be concerned (whether because of a genuine desire to secure services for the local population or because of the potential for political and accountability repercussions). The direct involvement of three councillors and three council officers might not only be expected to provide comfort, but might also allow those involved to learn and understand more about the work of law centres in general. Whether they will like what they see or seek to limit it to their own preconceptions of what a law centre should do is the key question. It is a question which has arisen in other locales, with quite startlingly different results.

## **WEST MIDLANDS**

### **HAVEBURY**

In the context of law centres’ twin principles of operational independence and community control, a funder that seeks to increase its own representation on a

management committee is usually viewed with deep suspicion. Most funders have at least one representative on a management committee, while often a council will seek to have both at least one councillor and an official on the committee. As noted in Chapter 5, the council in Havebury sought to establish majority control of the centre's management committee. Although forced to revise its ambitions downwards, it nevertheless insisted on heavy representation.

In other circumstances, the probity of the council's intentions may have been doubted and a defensive position adopted by the centre. This, in all probability, would lead to conflict. Many centres have successfully campaigned against their funding council on behalf of, for example, tenants. In some cases this has led to conflict, while some councils have recognised that such challenges are a vital part of the law centres' work. The relationship between the Havebury centre and its funder was such that the centre was able to retain both its independence and the trust of the council. This meant that, rather than having to attack the council, the centre could first discuss its concerns and in some instances secure changes to council policy.

The motivation for a funder's intervention seems likely to play a key role in determining the relationship between a centre and its funder. In Muirlands, the council became involved in the running of the centre because of concern at lack of provision. As will be recalled from Chapter 5, the funder became involved in Havebury because of an apparently genuine desire to provide accountability for a service the council felt it had a duty to provide. It is not surprising, therefore, that the responses of the two centres were quite different.

Another important factor may be timing of intervention. In both Muirlands and Havebury, the funder was involved when the centres started providing a service. However, while in Havebury the funder was also closely involved in developing the idea for the centre, Muirlands Council became involved only after a period of non-activity at the fledgling centre. Despite apparently being involved from the outset, the council actually took a close interest at a relatively late stage in the centre's development, even

if this was still before the doors had opened. This suggests that the council only saw the need to get involved when there was trouble afoot and had no genuine interest in the centre or the service it was (not) providing.

## OLD GREEN

As noted in the previous chapter, the centre in Old Green was given its initial funding by the Lord Chancellor's Department as part of the "life-boat" package launched by the Labour Lord Chancellor Elwyn Jones. Few law centres were given this central government funding. As so many others have faced difficulties with their local authority funders, the experience of the Old Green centre was always likely to be a little different to that of some other centres.

The centre in Old Green had only been operating for around two years when the Conservatives won the 1979 general election. Lord Hailsham, the new Lord Chancellor, honoured the commitment to fund the law centres 'rescued' by his predecessor. It would appear that Hailsham was largely ambivalent about law centres: rather than taking any further interest in the development of law centres, or seeking to pull back from the funding already in place, he simply allowed funding to continue. As Colin Barrett, who had been involved in the Old Green centre since its CDP days, explained:

"It was quite good really, because it meant you could get on and do what you wanted to do, as long as you weren't too overtly political."

The LCD had never had and did not seek any real involvement in the running of the centres it funded, simply requiring them to submit a copy of their annual reports each year. Having survived the change of government, the next potential challenge for the centre came in 1988 when the administration of legal aid was handed over to the newly created Legal Aid Board (LAB). The Board initially indicated that it was not keen to continue grant funding the centres and would instead prefer to move to some sort of contracting arrangement. Informal discussion with staff at LAB confirmed that the Board viewed the funding of these few centres as somewhat anachronistic. However,

despite the original indications that changes would be made, the only difference noted by Barrett was that LAB was *slightly* more proactive in monitoring the law centre. Rather than simply accepting an annual report, LAB additionally conducted an annual audit of the centre's finances.

The benefits of the funding arrangement (which included a general commitment to annual inflationary increases in grant, unlike much local authority funding) were not lost on Barrett. The distance provided by the funding structure meant that the centre has been less prone to 'interference' from the funder:

“I think we've been more immune to it because of our funding because it's meant that we could have our arguments and resolve the arguments.”

In Old Green, these arguments appeared initially to be restricted to issues related to collective working and pay parity. As explored further in Chapter 9, the system did not work properly and changes had to be made. Inevitably, this caused friction within the staff group and between the staff and the management committee.

The experience of Old Green in relation to collective working is not unique, but the way in which centres have sought to address these difficulties have caused many additional problems themselves, leading to internal disputes with often disastrous consequences. Barrett argued that “the battles are necessary because the centre had to develop. The initial model had to change, the organisation had to mature”.

However, he also recognised that it was far harder to play those battles and survive with local authority funding, especially when the law centre is also challenging the local authority. Local authorities may be pre-disposed against law centres because of their challenging natures, but it certainly would not help that, while they were under scrutiny, they “are often self-destructing”. The Old Green centre, on the other hand, managed to get through its troubles relatively unscathed. This took some time (between two and three years) and some staff and management committee members moved on because they did not agree with the changes. However, the centre was able to quietly continue

providing a service throughout and carried on, “keeping its head down”, for some time afterwards.

As well as having the ‘protection’ of central government funding, the Old Green centre also appears to have been fortunate for much of its life in avoiding some of the battles for control of the management committee which have crippled so many other centres. Barrett was unable to say why this had been the case. There had been a transition in the composition of the management committee. The committee that grew out of the CDP was based around professionals and activists. The later committee more clearly represented the local community, being comprised of local residents and, with changes in the area’s population, moving towards a balance in favour of Asian men. This transformation has, apparently, been fairly smooth.

None of this is to say that the Old Green centre has had an easy time in terms of local politics. The parliamentary constituency in which the centre is located was subject to a redrawing of boundaries between the 1992 and 1997 general elections. During the early to mid 1990s, a considerable degree of political wrangling afflicted the Labour party in this area. The law centre became implicated in a particular part of the battle for the Labour Party nomination for the 1997 general election<sup>22</sup>. There were three challengers for the candidacy, the sitting MP for the soon-to-be-defunct neighbouring constituency and two Asians. The Asian vote became split after one of the Asian candidates launched a smear campaign against the supporters of the other. One of the main supporters to be smeared also happened to be one of the sitting MP’s most outspoken critics. He was also involved in the law centre management committee.

Part of the smear focused on the alleged misuse of public funds by the law centre. The accusation was that other organisations were somehow being granted favours by the law centre, which was allowing them to use its premises for their own activities. Although

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<sup>22</sup> The BBC’s online guide to the 1997 general election described “Labour candidates...crawling over each other to fight this constituency - no other party stands a chance”. The selection process was blighted by allegations of patronage politics and mass membership recruitments, with both local constituency parties suspended by the national executive amid accusations of membership irregularities.

Barrett is clear that this was a spurious accusation<sup>23</sup>, it was enough to arouse LAB's concerns. These concerns focused on the potential for conflicts of interest and the possibility that LAB funds might be used other than for legal services.

This is actually an interesting question in its own right. LAB's role in funding the law centres was at very least anachronistic: its *vires* for providing funds other than for legal services would, however, be non-existent. In this sense, LAB had *more* reason from an audit point of view to take a close interest in the activities of the centres it funded than any local authority funder. Local authority funding for law centres is non-statutory and does not come from a budget specifically earmarked for legal services. Accordingly, there can be no argument that a council is acting *ultra vires* by allowing a funded law centre to undertake non-legal service activities.

LAB's fears were allayed, albeit following a commitment by the centre to relaunch under slightly different organisational structures. The law centre would be reconstituted as a separate body from the Old Green Community Resource Centre, of which it had previously been a part, from which the centre would itself lease premises. Although there were wider reasons for the relaunch<sup>24</sup>, it can undoubtedly be seen as a very neat way of drawing a line under the centre's recent troubles while simultaneously enabling it to raise its own profile in the community.

Thus the Old Green centre was used as a pawn by those playing out wider political battles. However, rather than being fought over as a potential power base, as detailed in the next chapter in relation to Whitetower, the centre was used as a weapon by those *not* involved in it. The extent to which one candidate's association with the law centre and the accusations made against it had any bearing on the outcome of the selection process

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<sup>23</sup> It had always been the case that the centre would be a resource for the community as a whole and provide support for voluntary, unfunded organisations. For example, from the outset a community printing press had been housed in the building, for which the centre held the head-lease.

<sup>24</sup> It would enable the centre to rename itself, in line with an LCF campaign to protect the 'law centre trademark' by encouraging all members to use it in their own name. In addition, there were certain issues to do with charitable status that the centre had been attempting to sort out for some time that required a constitutional change.

cannot be known<sup>25</sup>. However, it is clear that the publicity arising from the affair brought the centre under the microscope of its funders for practically the first time in its long history. The centre survived and was, arguably, in a stronger position after the affair than before it. Barrett was convinced that, had the centre been funded by the local authority, it would have had far more unwelcome attention: “the chances are about 90% that we would have gone”. The benefits of the stability of the Old Green centre’s relationship with its funder is explored in Chapter 9, particularly in the context of the impact on other centres of the changeable nature of local authority priorities.

## WHITETOWER

This centre’s life was tempestuous at times. It saw run-ins with alleged local drug dealers (leading to bullet holes in the back wall of the centre’s shop front office) and police had to be called to ensure order at an annual general meeting. While the former appears to have been a one-off incident, the latter is rather more symptomatic of a long-running problem relating to control of the management committee and, consequently, the direction of the law centre itself.

As detailed in the previous chapter, the centre in Whitetower won its urban aid funding in the same round as that in Spring Park. Funding constraints are such a common feature for law centres that this chapter does not tend to deal with them in the same way it deals with other issues. However, the reduction in funding faced by both Whitetower and Spring Park on expiry of their urban aid grants in 1981 is of particular interest as it resulted in reductions in staffing and opening hours at both centres. This had serious repercussions for the Whitetower centre some four years later.

Following the funding cut, the staffing of the Whitetower centre reduced from seven full-time (including three solicitors) and two part-time staff to five full-time (including only one lawyer) and two part-time staff (including one solicitor). The inevitable result

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<sup>25</sup> The sitting MP won both the nomination and the seat at the 1997 election with a huge majority.

of this reduction in staff numbers was a reduction in the centre's areas of work and opening hours. The centre had previously been open to the public for 25 hours per week, but this was subsequently cut to the operation of a 'surgery' system for 10 hours per week. It was felt that the staff could not devote sufficient time to casework and community work if they were also required to provide a full open door advice service.

As one then member of the management committee explained, the original steering group had recognised the inherent difficulties in running a totally open door centre: for every hour spent with new clients, twice as much work was generated. The initial decision to open for 25 hours per week appears to have been a compromise: not fully open door, but still a substantial visible service to the community. The cut in funding and consequent reduction in staff numbers led to an apparently disproportionate reduction in opening hours. This suggests that the committee was by this time well aware that to maintain the service to existing and future clients, the number of clients and the work involved in the initial contacts with them would have to be capped.

For three years the centre operated, apparently successfully, with these reduced hours of opening. However, the issue was eventually to lead to the resignation of five members of staff and the temporary closure of the centre.

The management committee had long been aware that it did not adequately represent the local community, in particular in respect of its ethnic composition. When the centre was established, the local residents' federation was viewed as being the single most representative body for the people of Whitetower. Accordingly, the Whitetower Federation was given the power to elect ten members of the law centre management committee from amongst its own ranks. This was clearly a large presence on a committee of 21 people, five of whom were non-voting co-optees. After about three years, a decision was taken to reduce the Federation's allocation to five places, with the additional five places to be elected directly from the local population.

Despite this, the committee remained largely white and, to some extent, weighted in favour of professional members. At this time the bulk of the centre's community work



related to public housing, of primary concern to white council tenants. By contrast, most of its casework related to immigration and, in line with the population of Whitetower, had a predominantly Asian client base. Conscious of the need to become more representative, the management committee decided to alter its constitution to remove the Federation's remaining reserved places.

Although this was proposed primarily to enable the committee to become more representative, there were also suspicions that the Federation's representatives were personally appointed by the chair of the Federation and were, in effect, 'yes-men'. By removing the Federation's allocation of management committee places, the committee could evolve as it wished and curtail the influence of the Federation chair, who was suspected of using the law centre, albeit indirectly, for his own ends. He had political ambitions and had indeed become a councillor since sitting on the management committee. As one committee member from around that time speculated, he may have been elected on the basis of his involvement in the law centre.

At the same time as removing the Federation's reserved places, the committee made a considerable effort to publicise the upcoming annual general meeting, at which ten directly elected places would be allocated, to the Asian community. The result was to be spectacular. As a member of the management committee recalled:

"The day the nominations started to come in, we thought 'it's marvellous, it's worked, we've got lots of nominations with Asian names on them'."

While the Asian community had traditionally shown little interest in becoming involved in the running of the law centre, the AGM was attended by more than 200 people and ten new members were elected onto the management committee. This changed the ethnic complexion of the management committee overnight (although it did nothing to improve the gender balance, all ten new members being men).

At first, the outgoing management committee were delighted, having apparently achieved their objective. However, the ethnic balance was no more representative of the community as a whole than previously. All of the new members were Pakistani and all

were from the same small area in Pakistan. All were known to each other and this had aroused the concern of the immigration worker at the centre, who had already issued a stark warning to an existing management committee member:

“He looked at [the nominations] and said ‘you don’t know what you have done – I know these people and they’ll take the law centre over. This is a group that has deliberately done this to take it over as a power-base’. We said, let’s wait and see what happens – we wanted this to happen, we wanted more Asian representation. In fact, we got nominations only from a specific group of Asian people who knew what they were doing, who had deliberately got together to have enough people elected to take over the management committee, and that’s what happened.”

Within a month of the election, it became clear that the new committee was seeking big changes in the way the centre was run. Management committee minutes reveal that they were suspicious of the extent to which the staff, rather than the management committee, appeared to control the centre. Nor did they approve of the collective work ethos amongst the staff. Most significantly, they wanted to extend the centre’s opening hours.

Despite no increase in staffing, the new committee proposed an immediate extension from 10 to 40 hours. The staff objected to this increase on the grounds that they would not be able to provide a full casework service to clients if they were tied up all day every day in giving front-line advice. They also argued that community work would all but disappear.

It is very difficult to establish exactly the subsequent sequence of events. In many respects it is unimportant. What is of great relevance, however, is that after a number of months of strained management committee meetings, five staff walked out, including both lawyers. Two committee members from the time suggested a range of reasons for this. They referred to the insistence on the increase in opening hours, the imposition of a hierarchical staff structure and the way in which the committee went about making these changes, excluding the staff from the decision-making process. Three management committee members also resigned. Two of these (both Asian women) had resigned not long after the new committee had taken over on the basis that “despite all efforts to create a fair and democratic atmosphere in [management committee] meetings, we have

had no success” (terms of letter of resignation recorded in minute of management committee meeting of 19/11/84).

The staff walk out meant that the law centre was effectively unable to function, with the ironic result that despite attempting to continue with extended opening hours, the service provided to the community all but disintegrated. The situation at the law centre had attracted the attention of both the council and the Law Centres Federation, each of which decided to launch an inquiry into the events at the centre.

The outcome of these inquiries, along with the implications of the events at the centre for the power hypothesis and possible alternatives, will be explored in detail in subsequent chapters. Both inquiries found it difficult to establish exactly what happened because of the conflicting evidence presented to them. However, it was clear that the management committee acted antagonistically to the staff and, in requesting a quadrupling of the centre’s opening hours, put the staff in an extremely difficult situation. In doing so, both inquiries found that the committee had acted at best naïvely. While the council’s report would come back to haunt the centre in later years, the LCF inquiry appeared to have opened an enormous and unpleasant can of worms for the whole law centre movement.

## SPRING PARK

As noted above, the Spring Park centre was born at the same time and under the same arrangements as that in Whitetower. The funding cut of 1981, which appeared to have such far-reaching consequences for the Whitetower centre, also affected Spring Park. As in Whitetower, the immediate result of the funding cut was a reduction of staffing. However, in contrast to Whitetower, the centre regained its full complement of staff within two years. The centre’s first real period of difficulty, other than the funding situation, directly involved one of the lawyers to come to the centre after its position had stabilised.

Conflict between staff groups and management committees is a common feature of some of the more damaging episodes in the lives of centres in the West Midlands. In most other centres, however, the principle of actually having a management committee has not directly been challenged. In Spring Park, a concerted effort was made to divorce the unique blend of services provided by law centres from the principle of community control as reflected by the management committee system.

As ever, the various accounts of what happened during 1985 and 1986 fail to provide a definitive version of events. Relations between the management committee and the staff of the centre were poor to say the least. The reasons given for this vary. One former management committee member portrayed “lots of hideous personality stuff...lots of awful management committee meetings with people hating each other”. However, he also identified one important issue: a difference in view between the management committee and the staff, or at least the non-legally qualified staff, as to the appropriate level of commitment to the centre. The staff wanted to work set hours, take time off in lieu etc, which aggravated “a lot of the voluntary types on the management committee”.

In many respects, the types of issues that appear to have led to the breakdown of the staff/management relationship could have occurred in any employment setting. The implied difference here is that the nature of law centres (or at least the view of law centres held by those involved in this management committee) was such that insistence on what appear to be fairly basic employment rights was viewed as being in some way unreasonable or unprincipled. The implication was that the staff should be more committed than those employed in other settings and so should be willing to put up with poor working conditions. In short, the staff should have been willing to make personal sacrifices for ‘the cause’, whatever that may have been. These conflicting views appear to have at very least contributed to, if not caused, a general air of hostility between the staff group and the management committee.

However, the arguments over working conditions appear prosaic compared to the differences of views held by the driving force on the management committee and the

senior solicitor at the centre, Peter Adams. The management committee chair was keen to increase the involvement of black organisations in the running of the centre, to make the centre more responsive to the black community's needs.

According to Clark Hills of the LCF, the management committee felt that Adams:

“wasn't really seeing the centre in the context of the black community it was within, not seeing things radically in terms of what the law centre needed to do to challenge.”

In addition, Hills suggests that, instead of looking at the community aspects of the centre's operation and management, professionals might see things differently, in terms of case numbers, people seen, legal aid income. This reference to legal aid income strikes a chord with Adams' own account. When he arrived at the centre in 1984, Adams made a significant impact on the profile of the centre's income. The year he arrived, the centre's legal aid income amounted to about £6,000. Two years later, this figure was “closer to £100,000”.

“I took the view that the money that local authorities spent on law centres ought to be used for core costs: the legal aid money ought to be claimed insofar as we could get our hands on it. Our approach to that ought to be much the same as in private practice...because that would increase the funds that we had available to expand the services that we could offer because there were quite a few things we did that you couldn't claim for.”

Adams also suggested a move to larger, better-fitted premises. The management committee was, however, resistant to this suggestion, despite the huge increase in revenue that Adams had proved he could achieve. Hills and Adams both identify the reason for the committee's unwillingness to expand: if the centre became reliant on legal aid money, there could be cash flow problems if the solicitors left. In this case, not only would income suffer, but the centre would be left with a more expensive lease than would otherwise be the case and no way of making up the shortfall in funding. Although this may sound a little pessimistic on the part of the committee, as explored below centres *can* have difficulty in recruiting and retaining solicitors.

In light of subsequent events, it appears that the committee's concern about over-reliance on legal aid was justified. Hills recounts the struggle to keep the centre solvent when the solicitors did indeed leave the centre, leaving it unable to bring in legal aid money.

Adams was clearly frustrated by the committee's rejection of his proposal. However, Hills felt that this episode was symptomatic of a deeper problem: the staff group, and Adams in particular, seemed to think that *they* knew what was going on – “we know what's best” – but failed to recognise the potential contribution of the community. As explored further in Chapter 8, Adams did in fact see the community as having an important contribution to make. However, he did not see the validity of the mechanism through which that contribution was sought. Accordingly, he did not simply seek to change the orientation of the centre through further discussion with the management committee. Instead, he and the rest of the staff group secretly drew up plans that reflected his views on, and accordingly starkly rejected, one of the fundamental principles of the law centres movement: the very existence of a management committee.

Adams and the staff group wanted to bypass the requirement to have a management committee, arguing that the law centre should instead be run as a workers' co-operative. The co-operative proposal would mean that the reconstituted law centre would not meet the Law Society's waiver conditions detailed in Chapter 2. The ramifications of the departure from the accepted model marked by the proposal are explored in Chapter 8. Suffice to say that the Law Society refused to consider Adams' waiver request on the basis that the co-operative sought to subsidise its social welfare work by acting in all types of case for which legal aid was available. As such, the proposal could not be implemented.

The general air of hostility pertaining at the time seems likely to have propitiated or indeed accelerated the conflict that arose from the co-operative proposal. However, it seems equally likely that this wider conflict was of such a fundamental nature that it would have occurred regardless of the state of the relationship between staff and

management. It was Adams' frustration with both the management committee concept and the unwillingness of his committee to follow his suggestions for expanding the centre that led directly to the co-operative proposal.

The other simmering disputes were, however, to play a role in a further bizarre twist to this particular tale. Adams recounts that, quite coincidentally, while the staff were planning the co-operative venture, various of the other issues boiled over. The result was that the management committee sacked six members of staff in one fell swoop. A campaign was launched to save the staff, the council intervened and the committee was forced to reinstate the staff. At this point, half of the management committee resigned. There could have been few better examples of a heavy-handed and managerially incompetent approach to an employment dispute. The committee's actions added weight to Adams' arguments that the management committee was incapable of managing and was a destabilising influence on the service provided by the law centre.

Adams left the centre in October 1986, as did the centre's other solicitor. The centre struggled to rebuild its finances after the loss of its major income earners. Although half of the management committee with which the staff had such problems had resigned and, apparently, the 'main agitator' on the staff group had left, the centre did not so much bounce back as limp on. Within three years, the centre had become embroiled in another conflict between staff and management, one in which the LCF was called upon to intervene.

Clark Hills, who had become treasurer of the management committee, recalled that a number of new people came onto the management committee. Their radical anti-racist, anti-white supremacist politics 'took control'. The new committee members were quite upfront about their lack of respect for the professionals in the centre. They felt that there had been a hierarchy to the advantage of those white professionals, especially lawyers, and that they had been abusing the community by getting good jobs with status so that black clients would look up to them. This concern was linked to the way the centre had

been run, which they felt was too close to a private practice, with not enough politicism, radicalism and campaigning work.

The committee was concerned that the previous management committee had apparently let the staff get on with running the centre with very little interference, managing themselves as a collective, but only when it suited them. There was also a perception that the staff had been abusing this trust and had been failing to provide the service for the community the new committee certainly expected of them. As Harbinder Khan, one of the new management committee members put it, the old committee had been “soft...nothing was getting done” and the new committee wanted to make an immediate impact. Khan recalls that he faced immediate resistance when he went into the law centre the day after he was elected onto the management committee. He asked to see the centre’s books, as the committee were concerned about the apparent lack of financial controls in the centre. However, his approach appears unlikely to have endeared himself to even the most co-operative staff group. He recalled how, when he went to the centre to ask where everything was:

“it was like ‘how dare you, how dare you question’...When I didn’t get an answer I said ‘if I don’t get an answer within the next half hour then I’m going to start suspending people’ – those were my exact words.”

In terms of ensuring a smooth transition from one management committee to the next, there could hardly have been a less auspicious start. Within a month, the new committee started to make changes. Not convinced of the need for (or skills of) a recently appointed barrister, the committee decided to terminate his contract with immediate effect. At this point, the staff group withdrew whatever co-operation there may have been.

As tension between the staff and management committee grew, a whole host of complaints emerged regarding everything from the involvement of the committee in the day-to-day running of the centre to accusations of racism, sexism, harassment and intimidation. Khan recalls that it “became a dirty war, a trench war and we were prepared, we just dug ourselves in”. To add to the negative atmosphere, there were also complaints from within the staff about another member of staff’s attitude towards black



clients, with claims that he was openly abusive. The new, male Asian members of the management committee were also accused of racism by staff, who claimed that a member of the management committee placed a poster in the window featuring a black policeman with the slogan “House nigger – do not speak to this man”.

It is very difficult to get an accurate picture of the events at the time. However, the staff’s position is set out in letters from them to the LCF and from their union to the LCF and the management committee. The total breakdown of the relationship between staff and the management committee is also evident from letters between the staff group, the committee, the union and the LCF.

Concluding that negotiation was futile, the union representative recommended that an official inquiry should be launched into the events at the law centre. The LCF undertook an internal investigation, following which the officer responsible also recommended an inquiry. Through discussions with various staff and management committee members, he had attempted to piece together the events of the previous eight months that had led to what he described as “a very volatile situation”. He concluded that:

“These are a new management committee committed to reviving what they perceive as a moribund, sloppy and racist law centre, that has lost touch with their perception of the community of [Spring Park]. Their methods of tackling this have been on occasions heavy handed and sometimes downright provocative. However...they are committed to building up what they perceive as an effective [Spring Park] law centre.”

Unsurprisingly, the troubles at the centre came to the attention of the council, which suspended funding until the staffing/management problems were resolved and the council’s auditors could gain access to the books and records of account for the centre. It might seem unsurprising that the council felt the need to suspend funding while the centre was going through such a potentially destructive period. On the other hand, it is not immediately obvious why the need for the auditors to gain access would arise from a concern about the relations between staff and management.

However, this was not the first time that the Spring Park law centre had come to the attention of the council. Two years previously, the centre had financial difficulties following the departure of Peter Adams and the other solicitor. At that time, the council's auditors conducted a thorough examination of the centre's finances, following which the council agreed to provide some additional funding to help the centre clear its debts. However, the council leader was also keen at that time to discuss with the centre the election of a new management committee.

Given the relatively recent concerns over the twin issues of the centre's finance and its management, it is not entirely surprising that, when the management arrangements appeared to be causing problems once more, the council once again felt the need to investigate the centre's finances. There are two other possible factors in the council's decision to conduct this audit. As described in the next chapter, the centre in Whitetower was at around this time limping its way towards a slow and painful death. The difficulties of the Whitetower centre had led to an investigation of allegations of improper use of public funds. Although the two do not necessarily follow, it may have appeared to the council that the same problems could be present in the Spring Park centre as it was having similar staff/management problems to those destroying the Whitetower centre. The further factor may have been that the council had learned that staff in the centre had, during the course of the LCF's investigations, universally made accusations of financial mismanagement and abuse of funds.

Nevertheless, it would appear that the auditors' investigation turned up little of concern. A few recommendations were made regarding the likes of petty cash procedures, but in June 1990, following the acceptance by the committee of the council's recommendations, the remaining withheld funds for the year 1989/90 were released. The outcome of the independent inquiry has proved harder to establish. Indeed, it is not at all obvious from either the available files or interviews that the inquiry ever took place, despite terms of reference apparently being agreed with the council.

Although the exact sequence of events proved difficult to establish, it appears that around this time much of the staff group resigned. Harbinder Khan attributed the resignations to the staff group's objection to the management committee's interference in the daily running of the centre. However, Khan argued that the committee was simply querying why and how things were being done. He suggested that the staff, who had been left to get on with things by the previous committee, did not take kindly to this questioning approach.

Thus the staff group at the heart of the dispute with the committee had gone. A letter from the management committee to the LCF in January 1990 suggested that "the management committee and the staff-group have developed a good cohesive working relationship". In these circumstances, it is possible that the inquiry never took place. It may have proved uncomfortable for the centre and, in some respects, the LCF. Nevertheless, it is unfortunate that, having built up a head of steam for an inquiry that would have explored some of the most problematic issues facing law centres, it appears that the resignation of the aggrieved staff rather than any reconciliation brought matters to a close. Thus no solution seems to have been found and no real lessons could be learnt for the law centre movement.

The events at Spring Park in 1985/86 and 1989/90 are hugely important in terms of both an appraisal of the power hypothesis and the exploration of potential alternatives. Thematically, they also have much in common with events in other centres. These common themes and their explanatory resonance are explored in Chapters 8 and 9.

## WESTCHESTER

As noted in the previous chapter, the objectives of the Westchester law centre were unclear from the outset and it took the centre two years to actually open after funding had been approved. From discussions with a number of those involved at the time, it appears that there were two main reasons for this delay.

Firstly, the nature of the people involved led to an approach and focus that meant that some necessary decisions were not taken at the appropriate time. As noted in the previous chapter, the early management committee was comprised not of activists seeking to get something done, but of mainstream political people. These “committee people”, as Paul James described them, would be involved in the running of many other organisations (at one point there were seven councillors on the 17 strong committee, only three of whom were nominated local authority members). James, who had previously served on the committee at Old Green for several years, argues that the formality of approach that resulted had a crippling effect on the fledgling centre. Discussion focused on matters such as the constitution (whether the centre should be a company or a charity) and where agreement could not be reached on the night, it would be deferred until the next monthly meeting. The contrast with Old Green was striking: where a decision could not be reached one night, the Old Green management committee would get together the next to keep things moving along.

Important issues were not addressed early on in the centre’s life. For example, no clarity in terms of the centre’s objectives was achieved. There was no agreement as to whether the centre should be closed or open door. Issues such as staffing and premises were not addressed until all of the constitutional issues had been thoroughly dealt with, meaning further delay. In the end, a decision on premises appears to have been taken unilaterally by the chair of the management committee. The premises chosen were not suitable and meant that the centre would have difficulty operating effectively on an open door basis. These examples suggest that, despite innumerable lengthy discussions, important issues simply were not thought through properly.

James is clear that this was a central cause of later problems:

“looking back and trying to think where it went wrong, you’ve got to say that the whole planning of it from day one just wasn’t right. I’m sure that [Douglas Turner, then LCF liaison officer] would have tried to get them to focus on what they really wanted to do, but having sat there for two years trying to get that discussion going....I can imagine he would have found it quite difficult.”

While James focused on the formality of the management committee, local politics, and specifically ethnic politics, also appear to have caused problems more or less from the outset. It was noted in the previous chapter that several mainstream ethnic groups were involved. While their mainstream nature might have suggested less danger of conflict, this does not seem to have been the case. Both Douglas Turner and Clark Hills of the LCF recognised the dangers here. The law centre was a resource that various groups wanted to claim as their own. As Hills explained, the attitude was often: “‘we don’t get many resources, so the crumbs that we get we fight over’: there was a fight for control...it seemed like it was control just for the point of saying ‘we have control of this particular resource’ ”.

It was clear to Hills that the early conflict over which groups should be on the management committee was never resolved. Turner expands:

“This was never a happy project from start to finish. It was fraught from the very beginning. There were all kinds of different community interests involved all pulling against each other.”

Bob Hart, a council finance officer who attended management committee meetings on the council’s behalf, saw two aspects to the centre’s race related problems. Firstly, there was some concern in council circles that the centre was being controlled by a certain section of the local Labour party, which was left wing and predominantly Asian. The leadership of the council was perhaps, therefore, predisposed to asking questions about the ‘goings on’ at the centre. Whether the same concern would have been felt had it been a predominantly white group of Labour party members who were perceived to be in control is impossible to say. It may have been enough that the group involved in the law centre were of a different ideological persuasion. Certainly, evidence from other centres suggests that local Labour politics may be inflammatory enough, without the added ethnic dimension.

The relevance of the ethnic dimension may, however, be seen in Hart’s second point: not only was one group in control, but there was a perception that the centre was serving only the part of the community this group represented. He did not specify whether this

was a minority/non-minority division, or whether the centre was serving one particular minority ethnic group to the exclusion of others (as was suggested in relation to the Whitetower centre).

A picture emerges of a centre that was always going to have difficulty in moving forward. The divisions within the management committee and the ensuing struggle for control would certainly have contributed to the delay in making important decisions identified by James. Thus despite some apparent ease in finding funding, the centre faced a significant barrier to becoming operational.

The management conflicts were to stay with the centre for some time. They also led to an inability to recruit staff, particularly a suitably qualified lawyer. Unfortunately, the barrister the centre eventually found had little apparent knowledge of or interest in law centre work: “a disastrous appointment” according to Douglas Turner. While his presence initially enabled the centre to start providing a service, there were accusations of bad advice being given and, possibly, financial malpractice. The barrister was suspended and a long running dispute ensued, during which time the law centre was again effectively unable to operate. Difficulties in attracting and retaining staff characterise the centre’s life. One might consider this bad luck. However, the reasons for this inability to attract staff are quite clearly linked in the minds of some of those involved to the centre’s ongoing internal conflict.

Turner is certainly clear about this:

“People heard on the grapevine that they had a bad reputation and good people wouldn’t go and work there...It was known that it was caught up in local ethnic politics and by that time most – certainly most white – solicitors had drawn the conclusion that you worked in a law centre which had that going on at your peril.”

This was not simply a teething problem: it persisted even after an increase in the salary for the post. Bob Hart felt that the centre

“still didn’t have a reputation, or credibility amongst the sort of people who might be interested in law centre work, so it was a vicious spiral.”

As a result, his view was that the centre was “never really operating...in a way that people expected law centres to operate”. This view was shared by Douglas Turner, who oversaw the running of the centre for a period:

“Most of the time it officially existed it was operating at a limited level...even when it was functioning properly it was functioning at a very low level.”

The accounts of all of those interviewed, although varying in detail, are consistent in identifying the sources of the centre’s problems. First, there was a lack of specificity at the outset as to the centre’s aims and objectives. Second, there was conflict within the management committee, linked both to differing views of the centre’s purpose and pre-existing inter-agency and inter-ethnic rivalries. These problems undoubtedly contributed to the centre’s difficulty in recruiting staff, which in turn led the centre to employ some unsuitable people, who simply brought more problems to the centre. We have already seen that a law centre really needs to have an impact if it is to carve a niche for itself within the legal, advice and voluntary sectors such that it can argue effectively for continuing support. We shall see in Chapter 7 whether the Westchester centre ever overcame its early difficulties.

## LONGWINTON

The story of the Longwinton centre demonstrates a particular difficulty of looking at episodes in the life of a law centre. Events are often part of an extended series of events, all intertwined or flowing one from the other. When these events eventually lead to the closure of the centre, it is sometimes hard to say where life ends and the terminal decline begins.

The documentary data available for the Longwinton centre were unusually detailed, consisting of many council committee reports, letters between the law centre, council and other agencies, including the Law Society and other law centres, press cuttings and publicity materials. The file covers in detail the last three years of the centre’s life. However, there are also a few papers from earlier in the centre’s life. Either this suggests

that the file is partial or that nothing of much note (i.e. that resulted in the centre being discussed in council committees) happened during the early years. The latter view appears to be supported by the interviews conducted with a range of former management committee members, staff and council representatives (at both officer and member level).

Although the centre appears to have ‘ticked along’ for a couple of years, there was some disagreement over the role of the law centre at the very beginning. Eric Wilson, the centre’s original chair, recalls that he and those others who had a legal background saw the law centre’s role as meeting an unmet need through casework. He also indicated that the staff were committed to casework, although there was an important element of campaigning in what they did: broader work to advise council tenants about their rights, or campaigning against low pay, “campaigning on the issues that had relevance to the kinds of legal problems that people had”.

One of the more radical management committee members, Mark Woodford, recognised that casework was very important in that it could help identify trends, or issues requiring broader investigation. However, he was critical of what he saw as the original management committee’s “conservative” approach. A number of those involved were fairly senior and well known local Labour party members, which he felt meant that they

“didn’t want to get involved with...confrontational, difficult issues, because of who they were. They wanted a softer type of law centre whose bread and butter would be providing access to the law for free – not a very sophisticated sort of model.”

Sophisticated or not, it was essentially this that the law centre stuck to until more activists got involved and “took over” the centre, leading to further conflict about the direction of its efforts. Certain members of the management committee pushed the centre to become involved in a number of campaigns, relating to the installation of surveillance cameras in the city centre, Section 28 of the Local Government Act 1988 and the poll tax. Matters came to a head following the death in custody of Clinton McCurbin, a young black man.



Some management committee members thought that the law centre should become involved in the McCurbin campaign immediately. However, Wilson recalled that others “were fairly keen not to tarnish the [centre’s] image too much with what was essentially a campaign against the police”. Paul James, an advice worker at the centre from the outset, felt “that a political stance was being taken”. He argued that the centre’s involvement

“couldn’t be justified...all the law centre was doing was taking sides...All of this was annoying the council.”

Interestingly, the only person not to identify the centre’s involvement in the campaign as a major issue was the council’s representative on the management committee, Richard O’Toole (who had also been involved with the centre from the very outset in a personal capacity). Nevertheless, he did identify the generally increased emphasis on campaigning as problematic. Although it had always been accepted that the centre would have a broader community development and campaigning role, it was also expected that this would be in the context of the centre’s general work. O’Toole was clear that the centre started to stray away from this and that by doing so caused the council some concern:

“There were people involved in it who had a particular view of the campaigning role and what issues to pursue, which weren’t those that would carry the majority of the Labour group. So they found themselves isolated from the Labour group.”

Clearly, if this was the effect of a shift in focus to concentrate more on campaigning, it would have changed fundamentally the centre’s relationship with the council. The council had been initially supportive of the centre – indeed it was a council officer who came up with the idea for the centre – and, as already mentioned, a number of those involved were very much Labour party people.

However, the issue was also affecting relations within the management committee to the extent that several of those who had been involved from the outset decided to withdraw. It was also causing difficulties for the staff. The shift in emphasis meant that staff were being asked to do more campaigning type work, despite not being trained as community

or development workers as such. They were, in general, advice workers, employed to do casework, but, as noted above, happy to take on broader work where it flowed from the casework they were doing, or related to the subject matters with which they were regularly dealing. While not entirely unsympathetic to what the newer, more radical management committee members were trying to achieve, James saw huge problems in the way they went about it:

“the staff just didn’t know how to deal with these issues. The management committee wanted to do all these rather undefined different things with groups but with no specific proposals for what that was...There were no ground rules. It was a horrible mess that suddenly descended on the staff.”

At the same time, the new management committee was trying to ensure that the law centre was more representative of its community, including the introduction of a new equal opportunities policy and equal opportunities training for both staff and management. One member of the management committee took great exception to being told he needed ‘retraining’. He resigned his position and promptly contacted the local press, the story making the front page of the local paper and providing the subject for the paper’s editorial. The story reported that the management committee member, Jeremy Harrison, was concerned that the law centre was being turned into a “political football” by black activists and that the demand for retraining was the last straw.

Then chair Eric Wilson later dismissed the whole affair as a storm in a teacup, considering other issues more important at the time. For Jeremy Harrison, most interviewees agreed that the retraining issue really was only the last straw: it was the campaigning issue that bothered him most. Although the McCurbin campaign was, of course, closely tied into race issues (and this was certainly the aspect emphasised by the press) it was not the only campaign in which the centre involved itself. What the various campaigns had in common was not race. Rather it was the perhaps tenuous link between the law centre’s work and the campaigns that appears to have been more important to most of those actually involved. The impact of the shift in the centre’s focus from

casework to campaigning is considered in Chapter 7 and its theoretical implications are explored in Chapters 8 and 9.

## PETERSEDGE

Most of this chapter has concentrated on problematic episodes in centres' lives, many of which highlight general problems faced by law centres as a whole, or at least many of their number. It may appear that some of these problems are endemic, although they have often affected a centre for a relatively short period in its life. Nevertheless, it is clear that many law centres face huge challenges and many of them have struggled to overcome them. By contrast, the centre in Petersedge appears to have faced few such challenges.

The centre appears to have gone about its business of providing legal services in its own quiet way. It does not appear to have aroused any particular interest amongst those groups that, in other areas, have taken a very close interest in the work of law centres and the opportunities they afford their particular causes or communities.

As mentioned in the previous chapter, Petersedge at this time was widely perceived as being very conservative, with little by way of radicalism or local activism. As one of the original founders of the centre observed, this was hardly a grass-roots centre at the outset and it never really became one. Nobody wanted to take over the law centre, just as nobody (including the local Asian community) had really tried to take over the local Labour Party. The contrast with areas such as Whitetower, Westchester and Old Green is clear.

Of course, lack of community interest and the absence of its sometimes damaging consequences does not mean that the centre would also be immune to some of the other problems that have beset law centres elsewhere. However, the only real problem identified by those involved in the centre was a period of conflict between two of the solicitors at the centre. When the centre opened, it had two solicitors who operated as a good team. The same was true when the centre closed. However, in the middle period

the two solicitors at the centre did not see eye to eye. One of the solicitors also appeared to have some contact with the Law Society, but it was not made clear what this might have been about. It appeared that the solicitor might have been seeking clarification of the respective roles of the management committee and herself in relation to responsibility for the work of the centre. Although it meant that things were strained at the centre for a while, the problem resolved itself when both solicitors left of their own accord.

The centre's only problem then was to find new solicitors. It did struggle a little, a problem put down to Petersedge's conservative reputation. This meant that the type of solicitors interested in law centre work might be less inclined to work at the centre. That said, the problem of lack of choice in relation to appointments appears to have had a limited impact, with good teams of solicitors working at the centre through most of its life.

There appears to be very little else to say about the Petersedge centre's life. This is itself important because, despite its largely trouble-free existence, the centre did not survive. For other centres, the surprise is that they lasted as long as they did. For Petersedge, closure itself is something of a surprise given its apparent stability. This makes its closure something of a problem case. The reasons for closure are explored in the next chapter and their implications in Chapter 9.

## **CONCLUSION**

As stated at the outset of this chapter, the episodes recounted here relate to problematic periods in the lives of the centres studied. It is clear that a number of centres had often lengthy periods during which the problems they encountered prevented them from operating effectively, or at all. This was clearly the case where problems related to recruitment of appropriately qualified staff, as in Westchester. However, even with full staff complements in place, the kinds of tension inherent in some of the ongoing

conflicts outlined above would also make it very difficult for centres to operate effectively. Nevertheless, it should be remembered that, apart perhaps from Westchester, the periods of strife recounted here did not necessarily typify the lives of the centres involved. This thesis is for obvious reasons simply less concerned with periods of calm and full service provision.

A number of common threads emerge from the accounts. One of the clearest themes to link a number of centres is the difficulty in achieving a balance between effective community control, constructive staff/management relationships and independence from funder interference. However, there are many variations on this theme, some of which are restricted to a single centre while others affect a number. In terms of the explanatory focus of this thesis, these can be divided into those that relate in some way to the power of the legal profession or the dominant legal paradigms and those that do not.

Amongst the former are problems relating to a failure to understand the nature of legal work, as demonstrated by the new management committee in Whitetower that insisted on an increase in opening hours against the advice of staff. Peter Adams' adherence to a practice model very close to that of traditional legal firms, against the wishes of the Spring Park management committee, can also be considered within this analytical framework. Amongst the latter group of themes are the general management difficulties encountered in a number of centres and the local and ethnic politics in which a number of centres, including Westchester, Whitetower and Old Green, became entangled.

As is apparent from the accounts in the next chapter, it is sometimes difficult to determine where a mid-life crisis ends and a terminal decline begins. It is also clear that the kinds of issues that are recounted in this chapter could, in other circumstances, have led to closure. Indeed, the kinds of problems that do lead to closure are often very similar in nature to those that have been survived by other centres, or at different times by the same centre. Thus the themes emerging from this chapter also run through Chapter 7. Accordingly, they are analysed together in Chapter 8, which relates to the issues that can be viewed within a perspective focused on the dominant paradigms, and

Chapter 9, which looks beyond this framework to consider the additional issues identified above, amongst others.

## CHAPTER 7: DEATH OF A LAW CENTRE

The previous chapter explored some of the main challenges to have faced the law centres investigated for this study. Some centres faced more challenges than others. Some had difficult periods, while others seemed to lurch from one crisis to another. With funding almost universally precarious and with local authorities often keeping a close eye on the activities within law centres, we also saw how funding was occasionally withheld while centres attempted to sort out their problems. The focus of this chapter is the point at which centres cease to operate in any meaningful way and the circumstances that lead up to this point. Usually, but not always, this point will be reached when funding is withdrawn completely and permanently. However, the motivations for taking such a dramatic step will vary from centre to centre: sometimes a withdrawal of funding will follow a long period of dispute, while occasionally it will come almost out of the blue.

Clearly, every centre in this study had a birth and, although some have been more eventful and longer than others, a life. However, only five centres have actually closed, all of these located in the West Midlands. In many ways, this is to be expected. The centres in the West Midlands opened before all but one of the Scottish centres, a number of which were still in their initial phase of urban aid funding in 1997, when the fieldwork for the study was conducted<sup>26</sup>. None of the centres studied here closed during this funding phase.

However, beyond this point there is much variation. As with their lives, the events leading to closure in some centres are more complex and extended than in others. There is, therefore, a great deal more evidence to explore for certain centres. Accordingly, the

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<sup>26</sup> The centre in Muirlands, which had such difficulties in its early years, did in fact close shortly after the expiry of its initial urban aid period. As the closure of the centre did not take place until well after the conclusion of the fieldwork for this study, the reasons for its eventual closure can only be assumed to be related to the council's desire to cut back on its inherited urban aid commitment to 'social' projects and the lack of performance of the law centre in its early years.

bulk of this chapter is taken up by the accounts of the events leading to the closure of the centres in Whitetower and Longwinton. Closure in Spring Park, Petersedge and Westchester was, in comparison, straightforward. Although several have already been identified, a number of additional themes emerge specifically from the data on closure. As with those emerging from Chapters 5 and 6, these themes and their resonance for the power hypothesis, as well as possible alternatives, are analysed in detail in Chapters 8 and 9.

## WHITETOWER, 1988

As noted in the previous chapter, the centre in Whitetower was beset by a range of problems that can be traced to the complete and literally overnight transformation of the management committee. Both the funding council and the LCF launched inquiries into the events leading to the departure of five staff from the centre and its consequences. As discussed in the next chapter, the LCF inquiry appears to have caused more trouble for the law centres movement as a whole than for the Whitetower centre, while the council inquiry had similarly little short-term impact. However, it can be argued that the centre never fully recovered from the after-effects of the events of 1984-5, despite surviving (technically speaking) until late 1987. Had the centre not had such trouble in 1984-5, it may have overcome the difficulties that led to the withdrawal of funding in 1987. In many ways, the eventual withdrawal of funding can be directly traced to the earlier difficulties. Nevertheless, the 1987 withdrawal of funds appears to have been triggered by events that, although traceable to the new management committee, are only indirectly related to the departure of the five staff.

It was clear from the second paragraph of the report of the LCF “Inquiry into events at [Whitetower] Law Centre” (unpublished) that no blame would be apportioned for the apparently destructive impact of the new management committee. The LCF inquiry panel “did not feel that the interests of [the centre], nor that of the law centre movement, in general would be best served by a punitive inquiry” (paragraph 1.2). This view was



reflected in the panel's conclusion that "all parties must take responsibility for what happened" (paragraph 4.5).

Nevertheless, the panel did make a series of recommendations. Recognising management committees as a fundamental part of law centres, the panel recommended that centres' constitutions should be "appropriate to electing a committee which reflects the various people and organisations within the catchment area"; management committees should "continually assess the needs of the community"; staff should "always be involved in policy making"; management committees "must be prepared to undergo periods of training"; and "there should be a clear dispute/grievance procedure" (paragraphs 5.1 to 5.4). While striving to avoid blaming either party for the events at the centre, all of the panel's recommendations sought to address management issues.

The finding that all parties should take responsibility for what happened provoked a storm of protest from staff groups in other law centres. This led to the report being rejected at a special LCF meeting held to discuss it and the passing at that meeting of a motion to suspend the centre's LCF membership. However, that decision was itself suspended at the subsequent LCF annual general meeting and no further action was taken. Thus despite clear misgivings about the management committee's approach, the centre survived the LCF's investigations intact.

For its part, the Working Party set up by the council to investigate the events at the centre cast the problem, at least initially, in terms of the staff group's resistance to the changes suggested by the new committee (Report of the [Whitetower] Law Centre Working Party to the Finance and Management Committee, 16/9/85). The council focused on three concerns that the new committee was trying to address. First, the extent to which the centre was accessible to the community (as subsequently addressed by the new committee in terms of the centre's opening hours). Second, the system of collective working, which meant that no one member of staff was in overall charge or responsible to the committee. Finally, the extent to which the staff, as opposed to the management committee, had been running the centre.

The Working Party's detailed findings are explored in Chapter 8. At this point, it is important to note that, while fairly sympathetic to what the new committee was trying to achieve, the Working Party was also clearly concerned that additional protections were needed to prevent the same, or indeed other, problems arising in future. It thus took advantage of the opportunity presented by the centre's troubles to recommend changes to the centre's operation and, crucially, its constitution that went beyond addressing the problems that had already been seen.

It was the centre's implementation (or lack thereof) of the recommendations in relation to the management committee that was to cause problems further down the line. The inadequacy of the management committee's action in response to the recommendations came to light 14 months later, when the council was again investigating the centre, for completely unrelated reasons.

The 'official' trigger for the second investigation was an allegation that up to £2,000 had been spent on unauthorised telephone calls to Pakistan. Although the evidence uncovered by the investigation showed that a small number of telephone calls had been made over a two-week period, the scale of the problem over a longer period could not be quantified. The report concluded that "the various books of account have been impeccably maintained and there is no evidence at all of any financial impropriety" (paragraph 7.3). However, as the investigation got underway, a number of other allegations were made.

Of immediate interest to the council was the suggestion that the 1985 elections (the year after the new committee had 'taken over') were rigged. The 1985 AGM was disrupted and had to be abandoned amid allegations that people from outside the area had been allowed to attend and had cast votes based on a list of names that had been circulated. The reconvened AGM, held in a local school under the supervision of several teachers from the school and attended by several uniformed police officers, was heated and well attended. It again resulted in the ten elected places being taken by Pakistani men, all of whose names were again to be found on a distributed list. Nevertheless, the report

concluded that “on the face of it there does not seem to have been anything improper about these second elections” (Report by Assistant Treasurer to the Leader of the Council, 9/3/87, paragraph 5.3). This conclusion was reached despite the fact that the council team were unable to view the ballot papers, as they had apparently been lost. However, in interview the council official responsible for the investigation suggested that a number of ballot papers had in fact later been found, all completed by the same hand with the same candidates selected.

Further suggestions were made that there had been a breakdown of relations between the staff and management committee and between some members of staff. Of course, five staff had left the centre – the event that triggered the first council inquiry. However, it is clear that relations had not greatly improved following their departure. A later internal LCF report noted that the committee failed to discuss important issues with staff. They

“did not let staff into their meetings and did not discuss the situation with them at all in any detail to win their confidence and support...there is an attitude towards the authority of the management committee which does not recognise the validity of the range of experiences within the staff.”

Another LCF worker suggested in interview that the committee’s approach to the staff had been “confrontational: there was no amiability”. The enforcement of the new opening hours described in Chapter 6, going as it did against the advice of the staff, provides some evidence for this antagonistic approach. It was also suggested in interview that one particular committee member played a major role in creating an atmosphere of mistrust.

It was noted in Chapter 6 that the removal of the local residents’ federation’s reserved places was a response to two concerns. The main issue was that the management committee was not representative of the community. However, a second concern was that the chair of the Federation wielded too much power, using his effective powers of patronage to ensure that ‘his’ five places were filled by people who would support him on the law centre management committee.

Although losing his automatic place on the management committee, the chair of the Federation was immediately co-opted, along with various other former members of the management committee. Charlotte Arthurs and Rita Pierce, both former members of the management committee, suggested that he became extremely influential within the new committee. This was of some concern for two principal reasons. First, he was disliked, distrusted and viewed as having no real commitment to the law centre, simply using his association with it for personal and political ends. Indeed, when he lost his automatic place and those of his federation, both former members recalled that he had vowed to destroy the centre. Terry Ormond, another former member, described him as a “poisonous little shit...he would use anything for his political ambitions”.

The other reason for concern was that he had a very abrasive attitude towards the staff and had previously made them perfectly aware of this lack of respect or trust. Arthurs recalled him making insulting comments about the staff and arguing in favour of excluding them from the decision making process. According to her own verbatim report of one management committee meeting, he suggested that the management committee should see if they could “sack the bastards...we can replace them all tomorrow”. As we have seen, the management committee did not have to sack the staff - they resigned en masse instead, five at the time and the remainder within two years. The centre was not able to replace them all with ease.

Douglas Turner of the LCF and Terry Ormond saw additional difficulties for some of the centre’s clients, staff and other managers that the male Muslim management committee might have caused. Ormond commented:

“the majority of the law centre workers were women, while the majority of the management committee were conservative Muslims who found it difficult to deal with women who were their superiors”.

Turner felt that the work the staff group was doing was at odds with the management committee’s views of what the law centre should be doing. He also recognised that the staff had objected to some reasonable requests back in 1985. However, he argued that the problem went further than the relations between the staff and management, or

differences of opinion as to the balance between advice, casework and community work. Not only would the management committee “not take kindly to ‘in-your-face’ women refusing to do what they were told”, but their views had implications for the delivery of the centre’s services. Turner suggested that the management committee objected to the way in which the law centre assisted Asian women escaping their husbands and worked with other agencies to create an Asian women’s refuge:

“They would say that ‘any community agency in our community should reflect the values of our community leaders. Our community leaders believe that women should do as they are told’...no law centre could accept a position where 51% of the population is turned away unless they have an acceptable problem”.

In conducting its investigation, the council became aware of some of these tensions. The main problem identified by the investigator was that some members of the management committee were reportedly far too involved in the day-to-day running of the centre. During the course of the investigation, staff raised concerns that the vice-chairman was spending too much time at the centre, was interfering in casework and was introducing clients and ensuring that they “jumped the queue” (paragraph 5.4). Staff also felt that his constant presence undermined the ability of the solicitor to manage the centre. The investigator concluded that, although there was no evidence that the centre was being used for anything other than law centre activities, it had become something of a base for the vice-chair.

The report noted that the vice-chair’s daughter worked in the centre as a receptionist, a move designed, it was suggested, to ensure that he knew who was coming and going. According to Charlotte Arthurs, the centre was becoming known as “[the vice-chair’s] law centre...he treated it like his own private club”. His position was clearly linked in many minds to the take-over in 1984. Rita Pierce couldn’t understand why anybody would want to take over the centre: “they can’t really [use the power of the law centre]...it’s just power for power’s sake...it gives them esteem in their own group, status”. However, others identified another possible explanation for the vice-chair’s desire to use the centre as a base.

The group that had taken over the centre were all members of the local Labour Party. Although it did not emerge as a factor during the council's investigation, several interviewees suggested that there were a number of factions within the Party and that the leading lights in the law centre belonged to one such faction. Indeed, one of the management committee members was a councillor. There were suspicions that the controlling faction was using the law centre as a power base from which to contest the selection of the local parliamentary seat against the sitting MP. The MP was a trustee of the centre and was, according to an internal LCF report, "winding [the Leader of the Council] up on the issue every so often".

Perhaps not coincidentally, the 'phone calls allegation' came at around the same time as the councillor who made the allegation was deselected by one of the members of the management committee. There was also an allegation that the combined ethnic/political issue was having a bearing on the provision of the centre's services. Douglas Turner felt that the management committee had turned the law centre into an Asian advice centre, while Rita Pierce suggested that "if you went in with a white face they would give you an impossible appointment". However, another interviewee suggested that the centre was even more selective in the clients it would serve. The allegation was that advice would only be given to one particular ethnic group, and even then, people would be asked to join the Labour Party and support the faction that was in control of the centre.

Although there was a widespread belief that there were political considerations at play, none of these allegations were substantiated. How much was suspected when the council launched its investigation is unclear: although the report deals with the vice-chair's over-involvement in the running of the centre, his political motives were not explored. The sitting MP resigned his position as trustee, after the report was published, following a letter from Norman Arthurs (the husband of Charlotte Arthurs, who had resigned from the management committee in 1984). The letter made no mention of political activities, but did refer to the vice-chair's close association with the centre.

Although the council's report voiced some concern about various aspects of the centre's operation and the vice-chair's position, these were not the major issues for the council. As the investigation was drawing to a close, it became apparent that the management committee had submitted its new Memorandum and Articles to Companies House for incorporation. The investigation report recorded that there were "a number of provisions in [the constitution], which conflict directly with the recommendations of the 1985 Working Party. These particular items will make the Memorandum and Articles totally unacceptable to [the council]" (paragraph 5.6). The council demanded that the centre amend the documents to reflect the 1985 recommendations, warning the centre that failure to do so would result in the immediate withdrawal of all council financial support.

There followed an exchange of letters between the centre, the council (and its leader, who was by this time personally involved, having also been contacted by Norman Arthurs) and the LCF, during which the centre managed to give the distinct impression it was dragging its heels. The centre subsequently failed to meet the council's deadline. As threatened, the council wrote in July 1987 confirming that, as a direct and immediate consequence of the management committee's failure to implement the required changes, funding had been withdrawn. It would only be reinstated when the changes had been implemented.

The LCF attempted to work with the council and the centre to secure the reinstatement of funding, but at this point the political aspect of the whole situation again reared its head. While the management committee and the council were negotiating, the chair of the management committee wrote to the Lord Chancellor's Department. Although no copy of this letter was on the file, the internal LCF report noted that it outlined the political background to the situation and that "[the sitting MP] has a copy of this letter and has been in touch with [the leader of the council] and both are angry".

The letter to the LCD probably put paid to any immediate possibility of retrieving the situation once funding had been withdrawn. Nevertheless, the council met with the LCF

a few months later (September 1987) to discuss the situation, apparently reaching a compromise agreement. The centre struggled on, losing the lease to its premises and moving into a back-street location. It is not entirely clear at exactly what point the centre closed, but it appears that it never reopened after the funding was withdrawn. The agreement brokered by the LCF was never implemented.

This is unsurprising given that, just days after the agreement was reached, the centre held its first public annual general meeting for over two years. It appears that this was a fairly turbulent affair, with the police being called to break it up after a group of Bangladeshis turned up to complain that they were not receiving any service from the law centre. A vote of no confidence from the floor was passed with overwhelming support, but was ruled out of order by the chair.

This debacle prompted the formation of an ‘alternative’ management committee, which sought LCF and council support. The group involved Charlotte and Norman Arthurs, along with some former members of staff and others disgruntled with the way the centre was (not) operating. They aimed to be more representative than either the original management committee or the clique that had taken over. The alternative group wrote to the council within two weeks of the public meeting to test the water for a transfer of funding. The council replied that, if and when any competing bid were received, the council would look to the LCF “for guidance”.

The alternative group wrote to LCF in October 1987, urging them to clarify their position should the council seek such guidance. However, the LCF was unwilling to see funding transferred from a theoretically extant law centre to an alternative group, waiting in the wings. In any event, it was by this time clear that the council was having doubts about implementing the compromise agreement. In a letter to the alternative group dated 8/12/87, the council officer involved wrote:

“I should make it clear that, in the current financial climate, there can be no guarantee that [the council] will provide funds for a law centre in [Whitetower], whoever makes the bid”.



The alternative group leaders interpreted this as meaning that the council had simply decided that the time was finally right for them to withdraw funding:

“Once the partnership programme money stopped, [the council] were always looking for a way - without losing face as being a wonderful council - to stop the funding as it had to come out of main programme and there were cuts all the time. They were always looking for some good reason - this just gave them the excuse they needed.”

There was also some suspicion that there was a hidden council agenda at play, with some talk at around the time of the centre’s demise of the services that could be provided through the council’s own network of neighbourhood offices. The internal LCF report noted that:

“As a result of the situation in [Whitetower] Law Centre and the difficulties experienced in [Spring Park] Law Centre, [the council] is now intending to conduct a review of the law centres in [the area] and it is rumoured that this could lead to a cessation of funding with the money being redirected to the recently opened Neighbourhood Offices.” (p.5)

The council officer who had conducted the inquiry confirmed that it did coincide with the council leader’s promotion of the neighbourhood offices, but added that he did not think “realistically anyone saw neighbourhood offices replicating the work of law centres”. The leader of the council himself confirmed that “neighbourhood offices don’t obviate the need [for law centres] because they don’t generally do legal advice and aren’t independent”. Nevertheless, one of the things the council was seeking from the centre was a commitment that it would provide a legal rather than general advice service, the investigation report concluding that “[a]mongst other things Neighbourhood Offices are established to provide a general advice service”. The link between the funding difficulties experienced by the law centre and the neighbourhood offices was not perhaps as direct as feared by the LCF and some of those involved. However, it may have had some small part to play.

At the end of the day, the trouble the centre had seen and the general financial climate probably meant that whatever the management committee did, it would have been

unable to get the council back on board. Douglas Turner recalled that the centre did attempt to become more inclusive at a very late stage, but it was too little, too late:

“in the end they brought on a wider group of people to try to rescue it, but there was nothing left to rescue. The money was suspended, the premises were lost, the goodwill was lost”.

He felt that the council could not really be regarded as being at fault in the end:

“if the council was incompetent, it was incompetent in not cutting it off earlier. You can’t fundamentally criticise the council over the last 2-3 years - no sane funding officer would have given such a bunch of clowns money.”

A hugely complex picture emerges. The problems precipitated by the election of an almost entirely new management committee in 1984 cast a long shadow. What initially seems like a straightforward decision to withdraw funding from a voluntary body because it had refused to implement the constitutional recommendations of an independent council working party is in actual fact the result of a wide range of interlinked issues.

The 1984 elections transformed the management committee overnight. The new group quickly came into conflict with the staff, due to a combination of management inexperience, their different view of how the centre should be run and the destructive presence on the committee of a co-opted member. Suspicions of political motivations for the take-over led to the resignation of one of the centre’s trustees and, in all likelihood, a hardening of the council leader’s attitude towards the centre. The committee’s position was further damaged by their political naïveté in failing to implement the council’s recommendations. The formation of the alternative management committee, although never really a threat in terms of the centre’s funding, further emphasised the divisions in the community over the centre. In the end, the committee gave the council, which was under pressure to cut its budget, the excuse it needed to pull out.

The centre’s survival despite its problems in 1984/85 proved little more than a stay of execution. It is perhaps remarkable that the centre survived so long and that closure

eventually came about as a result of a failure to implement relatively uncontroversial constitutional recommendations. While the council may have been looking for an excuse to close the centre, it must have been relieved that it was, in effect, handed one on a plate: it would surely have been far messier for the council - and indeed the law centres movement - had the grounds for withdrawal of funding been almost any one of the other issues seen within the centre at this time. Nevertheless, the fact remains that Whitetower lost its law centre, even though the one thing upon which almost everyone agreed was that it was much needed.

As the events in Whitetower touch on so many fundamental issues for law centres, they are of particular relevance to the discussion of the power hypothesis in Chapter 8. However, a number of other issues emerge, suggesting that one has to look beyond the power of the legal profession or dominant paradigms to understand the closure of this centre and to start developing an alternative explanatory framework. These emerging themes are developed in Chapter 9.

## SPRING PARK, 1995

We saw in the last chapter that the history of the Spring Park law centre was one of fall-outs between staff and management. In 1988-89, a very abrasive approach to culture change was adopted by an incoming management committee that viewed itself as having a mandate for change. As in Whitetower, that change resulted in the departure of most of the staff group, which left the centre to get on with its business along the lines approved by the management committee. It appears that, temporary funding difficulties aside, the centre carried on relatively peacefully for a couple of years thereafter.

Many of those who had become involved in the management committee with such far-reaching effects in 1988 started to drift away, or resigned following differences of view with incoming members. As the committee gradually transformed itself once more, it appears that it became very councillor heavy, apparently not as a result of any council policy, but as a result of councillors standing for election themselves.

According to the chairman's statement in the centre's annual report in 1992, the management committee had by this time realised that the "task of managing a law centre with all its intrinsic problems [was] too time consuming for the voluntary committee". Accordingly, the management committee had appointed a manager.

It is hard to imagine the 1988 committee being happy to leave the running of the centre entirely up to a member of staff, but it appears that as they drifted away, the new committee appeared more or less content for the centre to run itself. Or rather, the committee was more or less content for the manager to run the centre. It was this that led to tension and, eventually, the centre's demise.

A conflict arose between the solicitor at the centre and the manager. One former worker at the centre, who had also previously been on the management committee, observed that:

"Some of the [1988/89] management committee moved on. The other half of the committee didn't have a clue - no vision, no ideas as to how to move the law centre on. It ended up with [the manager's] friends and family on the management committee. She pretty much took control. The solicitor lost control, but you can't really blame her: it was the management committee that should have been in control."

The solicitor viewed financial matters relating to casework as her responsibility, while the manager, who was responsible for funding matters and, presumably, general book-keeping, felt she should be responsible. According to the solicitor, the appointment of the manager came about when the solicitors told the management committee that they could not deal with all of the management responsibility that went along with their casework pressures. The solicitors apparently wanted a reduction in their casework to relieve the pressure, but the management committee appointed the manager instead.

It appears that this was more than a petty squabble about responsibilities. The solicitor was legally responsible for dealing with the Legal Aid Board, ensuring that legal aid and green form payments were properly claimed. According to the solicitor, however, the manager took this responsibility, refusing to allow her to see so much as a statement

from LAB. She further alleged that the manager, perhaps due to a misunderstanding of the way the legal aid system operated, was retaining costs awarded, as well as legal aid fees.

When the solicitor challenged the manager, the manager “went running to the management committee”, which by this time, it was suggested, was made up largely of the manager’s friends and family, including a number of councillors. The committee, which was by this time apparently leaving her to run the centre on her own, sided with the manager against the rest of the staff, refusing to listen to their ideas about how the centre should be run.

The apparent consequence of control being placed in the hands of the manager was that the centre somehow ran up a deficit of £80,000, in response to which the committee decided to put the centre into liquidation. According to the solicitor, at a meeting of the centre’s creditors, the committee sought to extend the lease on the centre’s premises. This was so that a ‘new’ centre could open, with new staff (rather than the existing “troublemakers”, as the solicitor suggested the committee saw them). In addition, it was suspected that the new centre would be aimed at black clients, rather than the predominantly Asian client base of the existing centre.

However, the landlord refused to renew the lease. Instead, the solicitor separately offered to buy the premises, an offer that was accepted. Within six weeks, the centre had reopened as a private practice, serving the same people and providing largely the same services as the law centre had at the end. The centre had taken two thirds of its income from legal aid, meaning that there was little time available for other law centre work, such as campaigning. The private practice continued to do some work not covered by legal aid, such as tribunal representation. As a way of increasing the funds available to subsidise this work, the practice started to do other types of legal aid work, including family work, which the centre had previously steered clear of. In effect, therefore, the centre had transformed itself into a cross-subsidised social welfare law practice - a fairly

close approximation of the type of service suggested by Peter Adams some nine years earlier.

What is lacking in this account is any real assessment of why the management committee would have thought of the staff as troublemakers and wanted to start afresh without them. One suggestion that could not be verified was that the councillor members of the management committee, even when acting in a personal capacity, were distrustful of the staff and had tried to prevent them engaging in political activities, even where this was done in their own time. Another potential source of tension was the relationship between the manager and the rest of the staff group, with the latter unwilling to recognise the authority placed in the former by the committee.

Unfortunately, none of the final management committee were available for interview, so it is impossible to assess their motives, or intentions. What is clear is that no alternative centre ever opened and the private practice still operates today, in the same premises but with more staff than the centre had. In some respects, the community of Spring Park is fortunate in that it still receives broadly the same service it did during the last few years of the centre's life. However, had the law centre not been so reliant on legal aid, it is likely that the range of services it *could* have provided would have been far wider than either those it was providing at the end or those provided by the private practice. Whether the management committee would have wished it to provide that wider range of services cannot be known.

In comparison to other centres considered in this chapter, the death of the Spring Park centre seems relatively straightforward: poor financial management and over-reliance on legal aid leading to insolvency. The tensions between the manager and the solicitor are only really of interest to the extent that they are symptomatic of the distrust between the management committee and the staff, and the manager's ability to 'play' the management committee. Indeed, this distrust may to some extent have been behind the appointment of the manager in the first place and her closeness to several members of the committee would have undoubtedly helped her protect her own position. The

suggestion that the management committee intended to set up a replacement centre is interesting for the same reasons. It is possible that the alternative centre was a response to the inevitable closure of the centre once the sheer scale of its trading deficit became apparent. However, other than its impact on the existing staff, it does not appear likely to have had any bearing on the outcome for the centre.

## LONGWINTON, 1991

Discussion of the Longwinton centre in the previous chapter focused in the main on two interrelated issues. These were the tension between the law centre's casework and campaigning roles and the temporary but somewhat public furore over the management committee's attempts to, as they saw, rid the centre of racism and other forms of discrimination. In many ways, the resignation of Jeremy Harrison can be viewed as the beginning of the end for the centre.

Not only did the Harrison affair attract negative publicity, it also brought into the open the internal conflict at the centre over the move to campaigning work. At around the same time, Labour lost power on the local council for the first time in around twenty years. The incoming Conservative group decided to seek a review of the law centre and advice provision generally. The review never really amounted to much and the Conservatives lost power before they could do anything about the centre. Paul James actually viewed the Conservative return as giving the law centre some sort of reprieve:

“If the Tories hadn't got back, it might have been closed earlier than it was: the Tories didn't know what to do with it, they didn't know any of this stuff, they weren't interested, they never had been.”

The local Law Society was also helpful at this time. Every time it appeared that the law centre was in danger of losing its funding, a letter would be sent to the council stressing the importance of law centres in the local legal advice sector. James felt that the solicitor concerned probably did not actually appreciate quite what *was* going on at the centre. However, his letters probably “held things up for a while”, as the Conservatives did not particularly want to be drawn into conflict with the Law Society.

It was when the Labour group re-took power in 1988 that the centre's troubles really began. As one councillor described it, "the level of cutbacks was beginning to bite" and the council was struggling to balance its budget. It was suggested that a rationalisation of advice services would help in this respect. The law centre had by this point been without a solicitor for ten months and so had been unable to engage in as much casework as the council would have expected. As such, it became a natural focus for the council, which resolved to provide further funds to the law centre "pending a satisfactory review of the management structure and brief for the work undertaken by the centre" (report to the Policy and Resources Committee (PRC), 8.11.88). This report also proposed a number of measures that were to lead almost two years later to the centre's closure.

First, the Chief Executive recommended that the centre be asked to increase the council's representation on the management committee from one to two. This was ostensibly to make up for the removal of one funder representative when the West Midlands County Council had been abolished (the previous holder of this place being the aforementioned Jeremy Harrison).

Second, the report considered the work of the law centre. It appears from the report that Harrison had not been the only one to have concerns about the centre's direction. The Chief Executive's report recalled that

"[r]eservations have been expressed in the past that the campaigning education and development work of the Law Centre has received a higher priority than may have been appropriate and members will have to decide how the Council can ensure that the highest priority is given to a legal advice service".

Bob Hart, the council officer charged with liaising with the law centre, described the centre's campaigns (which in his view were not generally directed at the council) as "small beer". However, he did see a problem in the impact of the emphasis on campaigning on the provision of the casework service the council wanted to fund:

"most people accept that there will be a campaigning element...it was a question of balancing that view with the practicalities of delivering a legal advice service



where staff had overwhelming caseloads and they thought the priority should be to deal with the casework”.

To ensure that casework was given due priority, the council decided not only to monitor the amount of legal aid income attracted by the centre (which, although described by Hart as a “crude lever”, would “to some degree measure the volume of legal advice being provided”: *ibid.* paragraph 4.4), but also to link it to the centre’s grant: the salary of the senior solicitor would be paid out of legal aid income.

Not entirely surprisingly, the law centre was a little wary about this approach. The centre had been unable to earn any legal aid income during this period and, even if operating at full capacity, would be undertaking much casework for which legal aid was unavailable. The centre was concerned that its funding insecurity had, along with the salaries offered, been a factor in the poor response to its attempts to recruit solicitors. Accordingly, the centre suggested that a partnership agreement, linked to a two-year funding cycle, would improve its position. This approach was agreed by the council, with a two year contract to be drawn up to commence the following April.

The partnership agreement subsequently prepared embodied the council’s previously agreed priority for a legal advice service, stating explicitly that “[t]he Law Centre will provide a legal service, the core of which is legal advice and representation supported by [a range of non-casework activities]” (paragraph 1.4).

The agreement was duly approved by the council and sent to the law centre for signature, following which the council’s Director of Legal and Administrative Services would add his signature (letter of 7/7/89 from the Assistant Chief Executive). The law centre’s office bearers duly signed the agreement on 14/7/89.

Despite this apparent progress, it is clear that things at the centre improved little over the coming months. By September, the centre was writing to the council to highlight the difficulty it was facing in earning sufficient legal aid money, not least because the centre

still had only one solicitor<sup>27</sup>. The council had not by this time signed the partnership agreement. A report to the PRC of 17/10/89 makes clear that this failure was not an oversight: “[a]s a result of growing concern about the events at the Law Centre the Council has delayed signature of the partnership agreement, pending a review of the current position” (Appendix 1, paragraph 2.15).

The “events” at the law centre related to recent press coverage of a move by the centre to change its articles of association to create eight reserved places on the management committee, two each for four identified minority groups. The report states that this move was not the main cause of the council’s concern. There was, however, great concern that the law centre, in attempting to make this change “has been unable to conduct its affairs in accordance with the Companies Act and its own Memorandum and Articles of Association” (paragraph 3.4). Of additional concern was the operation of the centre itself, the report concluding that “[t]he Management Committee has continued to give a higher priority to issue-based and campaign work rather than concentrating on Legal Advice Services.”

In response to this report, the management committee argued that the centre was honouring its agreement to devote sufficient effort to casework and that there was no evidence to the contrary. The committee also argued that the report

“shows a complete failure to understand either the concept of a Law Centre, or why it became part of the Labour Group’s plan for [Longwinton]...The report has lost sight of this basic issue, and therefore of the policy of the Council, because of its concern with internal policy debates at the Law Centre”.

Although not cited in the report of 17 October, the council’s evidence came from a former employee of the centre who, along with Paul James, had resigned “in frustration at the appalling manner in which the Centre was being managed”. He had written to the

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<sup>27</sup> The solicitor at the centre at this time had worked in the Whitetower centre until it had closed. One advice worker at the Longwinton centre suggested that he was not keen on casework and tried to avoid representation at all costs, echoing earlier comments about him made during the second council investigation in Whitetower. It is perhaps little wonder that the centre struggled to earn enough legal aid income if court work was not a feature of the practice.

council detailing his concerns about the campaign-orientation of the management committee and its chair in particular. He concluded that

“The people of [Longwinton] do desperately need a good Law Centre. I was fortunate to have worked at the Centre when this was the case. I was unfortunate enough to witness the gradual destruction of the Centre by young, foolish activists who have little interest in the legal needs of the broad community of [Longwinton]”.

Despite the strong terms of the Chief Executive’s report to the council, which suggested that the council withdraw funding from the centre and explore other options for the provision of a free legal advice service, the council re-affirmed its “support in principle for the Law Centre” (letter dated 19/10/89 from the Chief Executive to the law centre). However, it was also agreed that the partnership agreement would be deferred until staffing issues were resolved and a further report on management control was considered by the council.

The Chief Executive’s next report, presented to the Finance and General Purposes Committee (FGPC) on 4/12/89, suggested that the (as yet unsigned) partnership agreement be extended by adding a service level agreement, which would specify the extent of the legal advice service required by the council. To increase management control at the centre, the Chief Executive suggested that increased council representation on the management committee could be achieved either by asking for changes to the centre’s constitution at its next AGM or by using three vacant co-opted places on the committee. The FGPC did not want to wait for the AGM. Accordingly, the Chief Executive wrote (on 5/12/89) to the management committee requesting that they “invite the Council to nominate three representatives to the three vacant co-option places on the Management Committee”.

Paul James was clear that, although the source of the conflict was the move away from casework, the council’s attempt to increase its control of the law centre was indicative of another concern within the Labour group. As noted in the previous chapter, many of the people involved in the centre at the outset were prominent members of the local Labour

Party. By the time the campaigning issue reared its head, however, the management committee was controlled by young radicals. The individuals involved were known from within the Labour Party and were not trusted by the less radically left-wing members of the group. James felt that the Labour group was feeling “a bit put out” that it had lost control of the centre to the radical, young and distrusted wing of the local party:

“It was reasonably clear to anybody with one iota of understanding that what the council wanted was to get back to what had been happening before [casework] and they wanted to get back into control, to get rid of this group of people. The response of the management committee was to see a huge conspiracy – they were probably right, I don’t know – the Labour group in [Longwinton] weren’t taking kindly to the young Turks taking over one of the biggest projects in the area.”

The deputy leader of the council, Richard O’Toole, had been involved in the centre from the outset in a personal capacity. He was also on the management committee at this time and warned the committee that the centre’s funding was at risk if they did not allow the co-options. Mark Woodford, one of the radical management committee members, recalled receiving this thinly veiled threat, but also recalled that the committee did not take it seriously. Had they done so, they may not have taken the approach they did.

On 22/2/90, the committee wrote to the council to explain that, as notified to the council, it had decided on the three remaining co-options at a meeting the week before. In the absence of any nominations coming forth following a PRC meeting nine days previously, the centre had decided to co-opt three women “so as to correct the low representation of women on the management committee”. The council *had* failed to nominate anyone for the co-opted places, despite being asked to do so by the committee. Thus the committee may have felt perfectly justified in accepting the alternative nominations it had received. However, given O’Toole’s advice that to do so would endanger funding, one might have expected the committee to tread a little more carefully.

The result of the co-option of the three women was that the Chief Executive wrote to inform the committee that the PRC had resolved to give three months notice of the withdrawal of funding to the centre. Thus, the centre lost its funding, as warned by

O'Toole, over what Woodford described as a "silly argument". Although the management committee had played the politics by pursuing the partnership agreement with the council, it was a lack of political acumen that eventually led to them providing the council with the excuse they needed to cut funding.

A note<sup>28</sup> of a meeting of the Longwinton South West Constituency Labour Party on 11 April 1990 makes clear that the council had reached the end of its tether and felt it had no choice but to end funding. One councillor (not otherwise connected to the centre) commented that:

"Councillors believed they had an agreement with the Law Centre to co-opt 3 councillors, which the Law Centre then declined to do. This was the straw which broke the Council's back...The Law Centre Management Committee has no credibility...There is such a strong feeling against the Management."

However, the key contribution was made by Richard O'Toole. He painted a very vivid picture of the decline of the law centre and his comments were credited with defeating the motion before the meeting to call for the restoration of funding. His comments are so apposite, they are worth repeating in full:

"A small group of people manipulated the Law Centre for their own ends. There has been a history of deceit and manipulation. Quality staff were driven out. Management members were bored to tears and left, so that it became difficult to maintain a quorum. There was a problem with monitoring procedures, both for finances and for legal advice. The Management took their campaigns from theoretical journals; they just wanted to campaign on any issue that cropped up. There is a wide concern in the community at what the Law Centre has been doing. It has been an embarrassment to the Law Centres' movement generally. The Management deliberately spurned my advice about how to deal with the co-options. They waited for a meeting that I was not present at, before taking their decision. Some thought they would never be touched by the Council, others hoped to achieve the very point we had come to. They would rather be campaigning against the Labour Group than providing a legal service. This is the politics of the crazies."

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<sup>28</sup> Although the note was taken by one of the key management committee members, it does appear to be a verbatim report of at least part of the meeting.

In this one statement, O'Toole touches on almost all of the points that have been documented above, in both this and the previous chapter. Clearly, the seeds were sown for the centre's demise long before the council came to consider the future funding of the law centre back in November 1988 and certainly long before the partnership agreement, far less the question of co-options, arose.

The council, conscious of its accountability for public funds, was keen to ensure the centre performed properly i.e. according to its own conception of a law centre. To help it do this, greater funding security was required. It was, therefore, in both the council's and the centre's interests for the partnership agreement to be drawn up. However, this itself brought into focus the difference in views held by the centre and the council on the appropriate range of services to be provided by the centre. The council appears to have got cold feet over signing the agreement, which would have tied them into a two-year funding arrangement. Given the experience of the previous four years, it does indeed appear that the co-option saga was simply the last straw. Relationships had deteriorated so much by now that the council, unwilling to sign the partnership agreement with a management committee it did not trust, leapt upon the co-option farrago as a ready excuse to withdraw funding.

The subsequent campaign to save the law centre played heavily on the accusation that the council was attempting to curtail the independence of the law centre. This was certainly the line followed by the LCF in its representations to the council. The Chair of the LCF, writing to the council shortly after it gave notice of the withdrawal of funds, argued that, by seeking to gain management control of the centre, the council was seriously compromising the centre's independence, a key condition of its membership of the LCF and thus the solicitors' observance of the Law Society's practice rules.

However, the centre itself gave greater prominence to the furore over the centre's insistence on adopting an equal opportunities policy (letter to "Friends/Supporters" dated 25/5/90). Bob Hart, however, was clear that this was not the main cause of the council's concern: "in terms of the principles that they were talking about, they were

ones that most people would subscribe to". It appears that the fuss over the reserved places was something of a red herring, blown out of proportion by Jeremy Harrison, the local press and, subsequently, the centre itself when attacking the council's decision to withdraw funding. Rather, the council felt that they had put up with years of nonsense from the law centre and saw no way of making it work while certain individuals were in charge.

It is easy to see why the council would originally have become concerned back in late 1988. The law centre was not functioning properly in terms of providing the service the council and, indeed, the original management committee intended when it was set up. While much of this was the result of an inability to do legal casework (due to the absence of a solicitor), the management committee *wanted* to stray from casework into campaigning. Finally, the centre was not spending its budget, carrying over the solicitors' salaries from one year to the next.

However, none of these problems had appeared suddenly, but had developed over a long period. Nor did they come out of the blue for the council, or the Labour group, which as noted above, had a number of members involved in the law centre. One of these members felt that both the Conservative and Labour groups on the council "eventually got sick of the internal machinations at the centre". The councillors on the management committee felt that things were getting out of control and the committee did not help itself.

A series of "niggling little issues" meant that the centre was constantly under the spotlight, O'Toole commenting that "organisations can be a problem to you if they keep making themselves a problem for a wider group as well". With the Labour group having just regained narrow control of the council and facing budgetary problems, it was a bad time for an expensive and allegedly political project to make a nuisance of itself. O'Toole explained:

"A lot of projects are a lot of work, but then suddenly everything falls into place. Nothing seemed quite right [with the law centre]...it was actually jeopardising

other initiatives. If you are having to pour in debts to support a law centre, you can't be pouring them in to support something else. The dynamics of the [Labour] group at the time were such that a substantial minority would have closed it a lot earlier and another minority would have kept it going longer.”

The law centre eventually agreed to alter its constitution to allow the council five representatives on the management committee. Not entirely surprisingly, the council did not respond particularly enthusiastically to this change of heart and, despite staff working for no pay for some time, the centre never regained funding and closed shortly thereafter.

What initially appears to be a straightforward argument about the political and operational independence of a law centre becomes rather more complex when viewed in the context of a climate of distrust and suspicion, political and budgetary sensitivity within the council, political sensitivity within the Labour group, political naïveté within the management committee and staffing problems within the centre. What is striking is that, despite all these troubles, it appears that all of those involved did recognise the need for a law centre of some sort. As O'Toole concluded:

“With hindsight, it's a little bit irritating that the whole thing took so much time and energy and went down, but it wasn't all down to the individuals involved...I wouldn't question their motivation – they wanted a law centre.”

Where there is a fundamental difference in view between funder and management committee as to the appropriate form for a law centre, conflict may be inevitable. This is a common theme emerging from the accounts in this and the previous chapter. The extent to which this problem can be viewed within the framework of the power hypothesis is considered in detail in Chapter 8. Unfortunately for the people of Longwinton, while the council wanted a largely casework-based legal advice centre and the management committee wanted a radical campaigning organisation, the end result was that Longwinton ended up without a law centre of any kind.



## WESTCHESTER, 1987

We saw in the last chapter that the centre in Westchester had a somewhat tortuous start to its life, despite some apparent ease in attracting funding. Conflict within the management committee, lengthy pre-opening discussions and serious problems in attracting appropriately qualified and capable staff led many observers to conclude that the centre never really got going at all.

To all intents and purposes, the centre closed at the end of its initial period of urban aid funding, following what appeared to be a rather half-hearted review. On the basis that the gradual winding down of the centre had not “created any evidence of demand which cannot be met by CAB, similar voluntary agencies and local solicitors providing legal aid services”, the council’s Chief Executive argued that there was “no justification at present to re-establish a legal advice centre” (Report to the council’s Policy Committee dated 12/10/87). The Policy Committee simply noted this position and resolved that the demand for a legal advice service should be kept under review. As no replacement service subsequently emerged, it must be assumed that no new evidence of demand emerged.

When asked about the reason for the withdrawal (or non-renewal) of funding, the then council finance officer simply indicated that several ongoing issues were never resolved. Douglas Turner was a little clearer in his assessment:

“Nobody was interested in it in the end because it was a source of community conflict and they couldn’t get a lawyer to work for them. It just faded away. There was no way [the council] were prepared to put £70,000 to £80,000 a year into a project that hadn’t achieved anything in its urban aid period.”

Many centres appear to start off well, either because those involved understand what it is to run a law centre, or have a clear view of what they want to achieve. They may go through periods of conflict and some of these conflicts may eventually prove fatal. The Westchester centre, however, appears to have been doomed from the outset. There was no clear agreement about what it was to achieve, about how it should be run or by

whom. There was inherent conflict from day one, which led to staffing difficulties and consequent chronic under-performance. From the accounts of those involved, it seems unlikely that in that place, at that time and with those involved, the centre was ever going to be given a chance to do what law centres elsewhere have shown that they can. In the words of Douglas Turner:

“With hindsight, the project should have been abandoned, the urban aid grant should have been turned down. It should never have gone ahead.”

## PETERSEDGE, 1991

Having reviewed the available files on the centre in advance of interviews with those involved, the Petersedge centre presented itself as something of a problem case for a study that seemed likely to be drawn into a focus on disputes within centres and between centres and their funders. As we saw in the last chapter, the Petersedge centre seemed very stable in comparison to other centres. One short period of friction between two of the solicitors at the centre appeared to be the only problematic episode in the centre's relatively short life. Certainly, the centre was not fought over by anarchists. It was not used as a political football by sections of the community. There were no council concerns that it was being financially mismanaged. Nor were there any serious disputes between management and staff.

In a sense, interviews conducted with those involved largely served to confirm that nothing was hiding under the surface. They were also, however, potentially vital in working out exactly why this stable, apparently productive if fairly middle-of-the-road centre closed just six years after opening.

Alistair Wheeler, the former chair of the management committee, was apparently as bewildered as anyone else as to why the council withdrew funding. He was very bitter about it, because he had invested a lot of time and energy in the centre. He had been given no explanation for the withdrawal of funding, which apparently came out of the blue as part of a council budget review.

Despite being presented as a purely financial decision, Wheeler suspected that there were other hidden agendas at play. However, he had no idea what these might be. One of the solicitors at the centre did do quite a lot of housing work which, predictably, resulted in the council being challenged on a reasonably regular basis. However, Wheeler did not think the centre had made any particular enemies on the council, the council nominee on the management committee saying that he was still sympathetic.

Others who were involved at around the time of closure were a little clearer about the reasons for the withdrawal of funding. One had got the *impression* that the council was getting fed up with the number of housing actions being taken against the council and, quite simply, wanted to save money. Another saw the key as being the development of a benefit shop by the council. One councillor in particular appeared to be very keen on the benefit shop idea and, it was suggested, would have been quite able to carry the rest of the council with him.

None of this, however, is conclusive. During a short telephone interview, the 'benefit shop' councillor denied that there was any link between either that idea or the centre's housing work and the withdrawal of funding. Instead, he explained that the council had been attempting to balance a very tight budget. The weekend before the budget was due to be set, he received a call from the chair of the management committee saying that the centre could not survive on its present level of funding and needed an increase of around 50%. Thus the council, which was funding the centre to the tune of around £60,000 and was trying to make savings, was being asked to commit £90,000 or see the centre close. For a council seeking savings, an appeal for additional funds was unlikely to be welcome. The council leader suggested that, if the extra £30,000 was *not* given and the centre did indeed close, the council would actually save the £60,000 it was already providing. The budget sub-committee therefore recommended to the full group that, as the council could certainly not afford £90,000 and so would see the centre close anyway, advantage should be taken of the opportunity to make an immediate saving of £60,000 by withdrawing the centre's grant.

The councillor admitted that the council had a “totally inadequate” budgetary system at the time and could in all likelihood have found cuts that would have hurt less. However, he described the centre’s threat of closure, coupled with a demand for extra resources at a time of budgetary constraint, as “very foolish – silly”.

Although he was the only interviewee to mention this demand for extra funds, evidence from the centre’s files do suggest that additional funds were being sought at this time from the Legal Aid Board. In what appears to be a draft submission to LAB, the centre indicated that its council grant was:

“inadequate to fund the law centre as presently staffed. It has been identified that any reduction in staffing levels would prevent the effective operation of the Law Centre...it is considered a real possibility that the Law Centre will close unless substantial funds are forthcoming for 1991-92 in addition to Local Authority funding and Legal Aid income”.

This last point was reiterated in a letter drafted to accompany the funding application: “[t]he closure of the Law Centre will result in many people in [Petersedge] having no access to legal advice and services”. There was no evidence to indicate whether the management committee ever submitted their application, or, if they did, whether they were knocked back. Either way, no additional funding would have been forthcoming and, therefore, the centre may have approached the council for an increase. The language in the draft submission is strikingly similar to that described by the councillor and so it appears quite possible that his description of the call he received from the management committee chair was accurate. Given the evidence of the centre’s approach to seeking additional funds, the reaction of the council, facing budget cuts, appears equally plausible.

It appears that a stable, apparently fairly popular but in all likelihood cash-strapped law centre may have sealed its own fate by poorly judging the reception its brinkmanship would receive from a council which was in no easier a financial position than it was. Of course, if the council was also actively pursuing an alternative advice strategy, through the benefit shop, and may also have been even slightly resentful of the attention its

housing policy was receiving from the law centre, the management committee chair's misjudged call may simply have been the final nail in the coffin lid.

## CONCLUSION

As with the previous chapter, the balance of coverage in this chapter between different centres is heavily tipped in favour of those that have had most problems. This is perhaps unsurprising, given that the chapter deals with the death of law centres. It would normally be assumed that such occurrences would be associated with problems. Evidence from the rest of the country, and indeed the other centres considered as part of this research, suggests that law centres do not, in general, have a limited natural lifespan. The centres in Havebury, Old Green and Southfield have all been operating continuously for over twenty years, albeit with some problems along the way.

What is perhaps more significant is the difference in lifespan of some of those centres that have closed. Westchester barely survived beyond its initial urban aid period, while Petersedge managed two or three years more. Longwinton was born at around the same time as Petersedge and died at around the same time, having had a somewhat more drama-packed life. Most dramatic of all, however, were the lives of the centres in Spring Park and Whitetower. Whitetower lasted around twelve years in total, although it had a long, drawn out death. Spring Park, which died somewhat more suddenly and decisively, kept going for almost nineteen years. These contrasts suggest that, as with birth, there is no 'ideal type' to be established for the death of a law centre.

The Longwinton centre crammed a great deal of controversy into its relatively short life, while the Spring Park centre had various periods of relatively smooth operation. The same could largely be said of Whitetower. The Westchester centre saw trouble from beginning to end, while Petersedge simply petered out, despite no real problems. There is, therefore, no link between the age of a centre and its demise. Equally, in contradiction to the suggestion made in Chapter 4, there is nothing to say that, if it survives the end of

urban aid and is mainlined by its council, a centre is any more likely to live into a ripe old age. Clearly, the end of urban aid period was a testing and potentially fatal time, resulting as it did in death in Westchester (and, it would appear, more recently in Muirlands) and funding cuts in Whitetower and Spring Park. However, closure can come at any time thereafter, especially when councils' minds are brought into focus by budgetary constraints. The centres in Petersedge, Whitetower and Longwinton would have done well to have kept their heads below the parapet, but instead practically offered themselves up to their cash-strapped local authorities for closure.

What is important for this study is that, although the particular problems of each centre are unique, the same common themes run between them as were outlined in the conclusion to Chapter 6. These themes and their implications, not only for the centres in this study but also in relation to the power hypothesis and the possible development of a competing explanatory framework, are considered in detail in the next two chapters.

## **CHAPTER 8: THE ROLE OF THE DOMINANT PARADIGMS**

The evidence presented in the preceding chapters demonstrates that the challenges facing law centres, whether at the start of their lives or during them, are manifold. This chapter considers whether this evidence supports the hypothesis emerging from the review of the literature presented in Chapter 2: that the restricted development of law centres stems from the power of the legal profession and the dominant paradigms of legal practice, legal needs and legal services. To the extent that the evidence does not support this hypothesis, Chapter 9 considers additional analytical strands that point towards alternative explanations for the restricted development of law centres.

### **THE ROLE OF THE DOMINANT PARADIGMS ON THE EMERGENCE OF LAW CENTRES**

Chapter 5 showed that the process of establishing a law centre varied hugely. The analysis of national policy suggests that to secure funding law centres would have to challenge local authorities' assumptions about legal services. However, this was not necessarily the case. Indeed, in some cases the initiative for a law centre came from the local authority itself. In many respects, the challenges involved in establishing a law centre were no different from those of any group seeking to establish an innovative project, especially one that would compete for funds with others. Where the idea for a law centre did not emerge from within the community (and this was true of most centres), the support of the community was still recognised as important. However, it appears that there was generally little difficulty in convincing the community that a law centre would be beneficial. This is not entirely surprising, as one would expect few deprived communities to reject an additional resource when offered.

Only in relation to the establishment of the first centre in Scotland was there any real evidence of obstruction. A great deal of negotiation with the Law Society of Scotland was required and the lawyer members of the committee were unhelpful once the centre got going. However, even if the Law Society had been fully supportive of the idea, there would still have been a number of important issues to resolve. In resolving these issues, the Society does not appear to have been as flexible as it might had it fully supported the idea. However, in none of the other centres studied did the legal profession actively seek to stall or prolong the development process.

To consider a related issue, it is also worth asking whether the legal profession actively supported any centres in their fledgling period. The answer to this question is undoubtedly yes. However, where support or advice came from solicitors, they were invariably those who had had experience of law centres, welfare rights or other non-traditional approaches to legal services. Many steering groups had the benefit of contributions from existing law centres and indeed the key players in the establishment of a number of centres were solicitors who had previous experience of or in law centres. To return to the argument explored in Chapter 2, Cooper suggests that the development of law centres has been the result of the activities of a small number of radical lawyers, amongst others, working in the field. Certainly, the evidence of Chapter 5 suggests that it is those others – paralegals and community organisations – who have been more central than lawyers. However, lawyers who have been involved with law centres have been far more important in promoting and supporting them than the great majority operating in private practice.

Based on the evidence of the national policy debate, one might have expected local authorities to be unenthusiastic about proposals for law centres because they did not fit within their conception of legal services. However, there is relatively little evidence to support such a suggestion. Indeed, quite apart from those law centres that emerged following an initiative started by the local authority, in only Stewarthall, Old Green and Petersedge did the steering groups encounter much resistance at the local authority level at all. Nor is there any evidence from these cases to suggest that reticence was based on



a view that the law centres were not needed because private practice could meet existing needs (which would have implied a role for the power of the dominant paradigm), or even a more general objection to law centres *per se*. The potential impact on funding decisions of party political persuasion is explored in Chapter 9.

When it came to decisions on urban aid applications by central government, there was perhaps slightly more evidence of doubts as to the value of law centres. This was most clearly the case for some of the Scottish centres, which had to apply on multiple occasions, even with the full support of their councils, before the applications were granted. Although it was suggested in Chapter 2 that part of the difficulty in securing urban aid might have been as much a result of unrealistic applications by councils as central government apathy, ambivalence or resistance towards law centres, there does appear to have been a change of heart on the part of The Scottish Office in the early 1990s. This, it was suggested, may have been a result, not of an explicit change in policy, but rather a growing understanding and acceptance of law centres, based on the limited expansion of centres in Scotland in the immediately preceding years. In this sense at least, law centres had to earn the support of an unsure, or perhaps sceptical, central government.

There is some support, therefore, for the proposition that law centres (and the LCF on their behalf) had to work hard to address the assumptions of central government about the value of an alternative to the dominant paradigm. However, the same was not generally true in relation to local authority funders. On balance, the fact that law centres challenged the dominant paradigm of legal service provision was not the major issue facing them at the start of their lives.

It is also important to note that all of the areas studied did have law centres. The evidence in Chapter 4 suggested a strong association between the location of law centres and deprivation. However, there were many very deprived areas without a law centre. It is, therefore, possible that the patterns of support for law centre development in the areas studied would be atypical of others which did not have law centres but which may have

been similar in other respects. Either applications may have been made in these areas but rejected by councils, or no applications were made at all. One can only speculate as to why this may have been the case, as the study did not consider areas without law centres.

We saw in Chapter 5 that the idea for a centre in Newchurch was shelved for several years because of the anticipated reaction of the Scottish Office. A councillor in Stewarthall had also advised the COC that the chances of winning funding were likely to be slim. A logical extension of this would be for those who see a need for a law centre to take the idea no further for fear of rejection. This would imply an exercise of power of the kind identified by Bachrach and Baratz (1970) and discussed in Chapter 2. The further possibility is that proposals may not have emerged because of an exercise of power in the sense recognised by Lukes (1974). No need for a law centre may have been identified because the relevant parties did not recognise that the consensus (in this case in favour of provision by private practice) did not result in services that met their needs. Nor may they have known that a better-suited alternative existed.

## **THE ROLE OF THE DOMINANT PARADIGMS IN THE LIFE AND DEATH OF LAW CENTRES**

Having considered the role of the profession and dominant paradigms on the emergence of law centres, this section explores the manifestation of their power in the lives of the centres studied. As Chapters 6 and 7 demonstrated, the issues arising during the life of a centre are often the same as those that lead ultimately to its death. The two aspects are, therefore, considered together in this section.

### **THE ROLE OF LAW CENTRES**

One of the key respects in which law centres differ from traditional legal practices is in the range of services they provide. It has been suggested (Byles and Morris, 1977;

Stephens, 1990) that in this regard law centres have not been as radical in practice as they are in principle. The accusation is that the approach adopted by many centres departs relatively little from that of traditional private practices (with its focus on individual casework), other than by focusing on areas of law or client groups not generally catered for by private practice. For example, the North Kensington centre's statement of intent (reproduced in Chapter 2) explicitly stated that it would set out to extend the services of the family solicitor to those who could not afford one.

However, as shown in Chapters 6 and 7, many of the most divisive conflicts involving law centres have revolved around the question of the kinds of services it is appropriate for a law centre to provide, or the relative priority to be attached to different activities. These conflicts arose when there was a difference of view about the role of the centre between any combination of the three main parties: management committees, staff and funders. This section considers the different positions adopted by each, examining the extent to which the stances taken could be said to have been based on the value attached to different kinds of services by each of the parties. This relates directly to the influence on those value-judgements of the dominant paradigms. For the purposes of this section, the views of each of the three relevant parties are classified as being either 'traditional' or 'alternative', although of course these terms simply reflect different ends of a continuum.

#### 'TRADITIONAL VIEW' MANAGEMENT COMMITTEES

The most strikingly traditional view was expressed by the management committee in Whitetower. Despite no previous involvement in the centre, it was clear that the new committee members very quickly formed a view that the centre was not properly serving the community and that the best way to remedy this was to extend opening hours. This stance itself might be seen as a failure on the part of a naïve or ignorant management committee to recognise not only the realities of legal casework (as opposed to the more straightforward advice work more of which it appeared the committee wanted) but also

the wider range of approaches to the provision of legal services propounded by law centres.

The committee's decision can be seen to have demonstrated a different level of understanding of the work and philosophy of law centres compared with that of the outgoing committee. Thus while those setting up the centre thought long and hard about the different ways the centre could be run, the new committee thought that, quite simply, the centre could serve more people if it was open longer.

One former management committee member was quite clear that while the decision to involve the local community had been correct, the new committee itself made a bad decision (on opening hours). He recalled that, at the beginning, the closed-door/open-door debate had been long and difficult. He and several others had visited existing law centres before reaching any decisions about the structure of the centre. They saw that staff could quickly become swamped by the demands of casework. Accordingly, they had to convince some of the others on the original group that an entirely open-door approach was unworkable. However, when trying to sell the closed-door idea they found that some of the representatives of residents' associations "weren't ready for that advanced a thing". In the end, a compromise was reached, but it was reached after much discussion. The new committee, however, did not have the benefit of visits to other law centres:

"In a sense, the thing destroyed itself because a lot of the arguments which we'd had in the beginning about how [the centre] should be run were revisited but this time instead of coming to certainly what I took to be the right conclusions the wrong conclusions were reached."

The new committee's view of the centre (that it could serve more people were it open longer) reflects very much a traditional legal professional approach to thinking about what it is a lawyer does. This lends support to the power hypothesis: the new committee could not conceive of legal services in the wider sense on which the law centre's previous activities had been based.

The new committee clearly thought that casework was the most appropriate activity for the law centre. However, it was the time implications of casework that led to the open door approach being rejected by the initial committee. The implication is that the management committee did not even understand the nature of legal work, not just law centre work. This issue will be explored further below.

#### 'ALTERNATIVE VIEW' MANAGEMENT COMMITTEES

The situation in Whitetower after the new management committee was elected can be contrasted with that in Longwinton. In Longwinton, the committee gradually became more radical, placing ever-increasing emphasis on campaigning. This caused problems for the staff group, who were not experienced in the type of work the committee was now expecting them to undertake. It also brought the committee into conflict with the funding council.

There is clearly potential for conflict between those seeking to provide a casework service and those who want to devote more time to campaigning. Almost all of those with whom this issue was discussed felt that there was a need for *some* casework and *some* campaigning, especially as the former could provide an impetus for focused campaigns. Thus there was a general acceptance that traditional legal services were insufficient. However, what *was* particularly likely to cause conflict was the feeling that the campaigns chosen by the Longwinton management committee did not appear to arise from issues addressed through casework. In other words, although a general need for a broader approach was recognised, there was great scope for disagreement over exactly how broad that approach should have been.

#### 'TRADITIONAL VIEW' STAFF

A further contrast can be seen in the conflict in 1985/86 in Spring Park. This stemmed in many respects from the view of the solicitor at the centre that there should be a greater emphasis on the centre's core function, which was, as he saw it, to provide a legal

casework service. The solicitor, Peter Adams, attempted to get rid of the management committee at the centre and turn it into a co-operative instead. This proposal was inspired principally by his frustration with the management committee concept and with the unwillingness of his committee to follow his suggestions regarding the expansion of the centre.

Adams had argued that the centre should greatly expand the amount of legal aid casework it was undertaking, so that it could bring in more resources, which in turn would enable the centre to take on more casework. In some respects, this is a very traditional view of what a law centre should be doing, focusing as it does almost entirely on casework. However, in other respects Adams' approach was quite radical in itself.

In his letter to the Law Society regarding his co-operative proposal, Adams sought to persuade the Society "that where work can be undertaken on legal aid, there should be no restriction on the type of work carried out". He argued that a relaxation of the rules would allow the centre "to undertake the majority of work required by poor people in this area, and...would allow us to extend the process of cross subsidisation of income from work, which we currently operate" (letter dated 20/11/85). While the Society had no objection in principle to a centre having no management committee, it was less willing to renegotiate the waiver agreement's condition that the centre would not undertake work in a range of substantive areas "[w]ith a view to ensuring that law centres do not duplicate the services provided by solicitors in private practice".

In a letter to the LCF, the Law Society argued that "the whole purpose of law centres is to provide a legal service which is not provided by solicitors in private practice and in particular to cover those areas of law where Legal Aid is not available". The Society envisaged "great objections from solicitors in struggling legal aid practices". The LCF agreed that any such objections would be "perfectly justified", arguing that this part of the proposal "again highlights the fact that the co-operative would not be a law centre, as law centres are set up to meet unmet legal need, not to duplicate existing services".

The LCF's view at this time was that legal aid work should account for no more than 10% of a centre's income. In the main, this was because of the potential reliance that any more than this might create. This might in turn lead to a reduction of core funding, meaning that centres would be unable to spend sufficient time on non-casework activities. In other words, a law centre that was totally reliant on legal aid would not be a law centre as such, as it would inevitably be unable to adopt a multi-faceted approach to legal services.

It is in his rejection of these other elements of law centre work that Adams' view of the role of law centres appears to be more firmly rooted in the dominant paradigms than most of those in the movement:

“Are community development workers a relevant part of a law centre? It should be about legal services, developing legal strategies for improving the life of an area – it should be in a legal context... There was a terrible vagueness about what law centres were meant to be doing”.

Adams suggested that the law centres movement as a whole failed to engage in a full and frank internal philosophical dialogue and that this led to some vague, *ad hoc* development and acceptance of “bogus” traditions and principles. Given the heated debates that have occurred within law centres over specific issues, one can imagine that such a dialogue could have had potential to create serious chasms within the movement. Adams would no doubt argue that these repercussions would have been preferable to the apparently directionless development of the movement's philosophy and practices.

One LCF officer suggested that the Scottish centres had taken a more restricted approach to their role than those in the West Midlands: “They are legal centres aren't they, rather than multi-disciplinary community agencies”. At least in part, he put this down to what he considered to be

“a different training culture for lawyers [in Scotland]. Those who become solicitors are far more self-confident to use their legal skills for politically correct means and don't feel the need to surround themselves with others, such as community workers and management committees. In England and Wales they

were too successful in the 60s and 70s in convincing lawyers that they didn't know anything and needed to be told what to do."

Although his view of the Scottish centres would no doubt be rejected by many of those within those centres (all of which are governed by management committees) it is perhaps true to say that they do focus to a greater extent on the role of lawyers. Those lawyers go beyond the casework seen in private practice and so do themselves adopt a multi-faceted approach, but the context within which this is done is considerably more lawyer-dominated. This suggests that law centres can operate beyond the realm of the traditional legal practice without provoking a negative response from others. It is perhaps when centres move further away from the dominant paradigms and become less recognisable as legal practices that they may challenge others' perceptions of what legal services can or should be.

#### 'TRADITIONAL VIEW' FUNDERS

For funders, concern often relates to the extent to which law centres depart from the dominant paradigms, and particularly to the blurring of the boundaries between community work and campaigning on the one hand and casework on the other.

The clearest statement of a traditional conception of law centres came from the council Working Party set up in response to the difficulties at the Whitetower centre following the election of the 'traditional view' management committee discussed above. The Working Party was concerned that both the former committee and the staff had lost touch with the community and had not been responsive to possible changes in demand. In this respect, the Working Party's main concern was that the staff had been engaging in too much community work:

"It is one thing to help a client who wishes to take action to prepare his case; to go out and take the initiative is quite another matter. While it may be an estimable objective in itself it is not a role for a law centre whose staff should be fully engaged on the work for which the Centre is funded by [the council]." (paragraph 38)



This assertion reflects the Working Party's view that "Law Centres exist to provide legal advice and assistance for those who cannot afford it and who are unable to get help under the legal aid scheme" (paragraph 3). It is clear that the Working Party was taking a largely traditional view of the purpose of the law centre and the methods by which it should address the legal needs of the community. There is a striking similarity between this language and the views expressed by the council in Longwinton. It will be recalled from previous chapters that the latter's concern was with campaigning, which it felt was disproportionately diverting resources away from casework. The Working Party, on the other hand, was concerned with what appears to be proactive community work, intrinsically linked to the very legal problems faced by the community the law centre was set up to address.

One of the reasons for the development of law centres was that private solicitors did not generally provide services in the social welfare fields that affected most deprived communities. In that sense, law centres were to provide services analogous to those provided by private solicitors to private clients. However, it was also recognised that the people requiring these services were not used to visiting solicitors and saw them as threatening or remote. It was therefore of central importance in the development of 'poverty legal services' that law centres were accessible to the communities they served. A proactive approach was required to access people with needs but without the inclination, knowledge or skills to approach a traditional lawyer. In other words, law centres had to go into the community and uncover needs that were going unmet. In rejecting this aspect of the law centre's work, it could be argued that the Working Party (comprised of an independent chairman, two councillors and two union representatives) failed to fully understand the purpose of law centres, the types of services they provided and the techniques they used to tackle legal problems. In other words, they failed to see beyond the traditional legal practice model to value the wider work done by law centres.

Seeking to limit the proactive community work of the Whitetower centre may miss the point to some extent. However, some councils have sought to limit the work of law

centres in a way that challenges an even more fundamental tenet of law centre philosophy: independence.

Inherent in the casework/campaigning/community work debate is clear potential for conflict within management committees, between staff and management and between centres and their funders. However, there is further scope for disagreement over whether a law centre should become involved in what might be seen as political issues. To take one particular example, the potentially political nature of the death in custody campaign concerned some on the management committee in Longwinton. However, the politicisation issue can also apply to casework itself. By the very nature of their typical client base, it would be very unusual for law centres to neither choose, nor be drawn into, work that could be viewed in some way as political. To some extent, advising clients on their entitlement to benefits, challenging the practices of social landlords or contesting a decision to refuse an individual's entry to the country can be seen as political. Whether a sophisticated model for a law centre or not, upholding the rights of those who either cannot afford access to traditional legal services, or cannot find a provider with the necessary skills, will carry with it the potential for a law centre to become involved in political conflict with either central or local government or both.

The need for and propriety of this work is usually recognised at the outset by law centres (and indeed will usually inspire their creation) and, to a varying degree, by the funding authorities. It was made clear early on that the council in Longwinton was content for the law centre to raise issues about council policy or practice. Indeed a good relationship developed between the law centre and the council's housing department, which seemed to recognise that if the centre was involved, there was probably a genuine case to be argued. A similar relationship emerged in Havebury. Some authorities may find being challenged by a centre they fund difficult, especially if the challenges are successful. This may cause embarrassment, or be costly in terms of extra expenditure or effort. However, to restrict law centres to non-dispute based work would effectively be to neuter them.

That said, it also became clear that the Whitetower centre's casework may have made it unpopular with at least some councillors. This was confirmed by the officer who conducted the investigation discussed in Chapter 7:

“one or two spectacular cases emanated from the clients of the law centre and I know the politicians in [the area] began to get a bit cheesed off. I don't think they realised that the end product [of the law centre] would be relatively high profile cases – egg on face time”.

From discussion with a senior local politician of the day, it certainly appeared that this was the factor he recalled most clearly:

“They spent most of their time suing [the council] which was paying for it to be done. Now I don't think that is necessarily a bad thing – they should sue [the council] if [the council] has done something wrong – but it did seem to me that they were more likely to be having a go at [the council] than they were at anybody else...There is a tendency – never spoken of course – to say ‘look, this lot are a bloody pain in the arse to us and why should we be funding them to do this?’”.

Although some councillors may have had their doubts about the centre because of the work it did, the council was obviously not completely taken by surprise by the nature of the centre's casework. Nor was it likely to withdraw funding because of that casework: to do so would have been extremely damaging to the council's image. However, it might have meant that, when another reason for investigating the centre arose, the council may have been less forgiving than it might otherwise have been.

The experiences of law centres documented throughout this thesis suggest that the predominantly local authority-based funding arrangements for law centres may have implications for their independence, particularly because local authorities may be the target of their activities, both casework and campaigning. This is an interesting issue in terms of the relevance of the dominant paradigm as an explanatory factor in the development of law centres. The ability to challenge public authorities through legal procedures is another feature that distinguishes law centres from other voluntary or community organisations. This characteristic of law centres, therefore, brings additional challenges. But is it related to the dominant paradigm? To an extent, yes.

The traditional legal paradigm is based on private law: the provision of professional services to individuals, focusing on resolving disputes between them through the courts, or facilitating their personal relationships where these have a legal dimension. In addition, traditional lawyers also act for businesses, focusing on property matters, their legal relationships with other businesses, or their relationships with individuals in their roles as employers, creditors or landlords. As explored in Chapter 2, the primary aim of the legal aid scheme when it was introduced was to bring these traditional services within the grasp of individuals who are unable to afford them.

The focus of law centres (and, as noted by Goriely (1994), many other lawyers using the advice and assistance scheme from the 1970s onwards) was not so much the relationship between private individuals. Rather it was the relationship between individuals and the public bureaucracies responsible for the determination of their benefit entitlements or their immigration status, their access to publicly funded services such as housing and education, the maintenance of their council homes etc. Where private parties were involved, these tended to be the employers, landlords or creditors referred to above rather than other individuals acting in a private capacity, but the law centre would in most cases act for the individual<sup>29</sup>. Thus this shift in orientation from private law, representing individuals in their disputes with other private individuals, or acting for businesses, towards public law marked a departure from the traditional legal model. To a far greater extent than had previously been the case, the growth in administrative law<sup>30</sup> meant that the decisions and activities of public bureaucracies would be challenged.

Although law centres were not the only bodies to raise such actions, they were the only ones funded directly by those they were challenging. Thus councils' negative reactions

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<sup>29</sup> The exception would be where a law centre acted for a community or voluntary group, providing the sort of services a private lawyer would provide for a business. The difference would be that, instead of facilitating the groups' business interests, the law centre would be assisting them in addressing the same kind of social issues with which the law centre was itself concerned.

<sup>30</sup> Principally meaning judicial review and tribunals, with a particular increase in the use of the former occurring following changes in the law in the late 1970s: Greenwood and Wilson, 1989; Harlow and Rawlings, 1997; Wade and Bradley, 1985.

to being challenged by the law centres they funded may at least in part have stemmed from the departure that law centres embodied from the prevailing conception of lawyers as providers of private law services. This analysis cannot, however, be taken too far, as it has already been noted that the nature of law centre work was usually well understood at the outset. Nevertheless, it is clear from the evidence above that some councils had not anticipated that they would be on the receiving end of law centres' activities quite as often, or that this unwelcome attention would have such far-reaching consequences.

#### 'ALTERNATIVE VIEW' FUNDERS

While we have seen that some funders have taken a fairly traditional view of the work it is appropriate for law centres to undertake, they will not necessarily have a more conservative view than the centres they fund. The Working Party in Whitetower may have 'missed the point' to some extent, but it did at least appreciate that the management committee's proposals on opening hours would have gone further than redirecting the centre's efforts towards casework. The Working Party recognised that proper casework requires time to be spent in research and preparation. Hence its view that the opening hours proposed by the committee would be "in danger of turning [the centre] into a drop-in advice centre, which it is not intended to be". Thus while the Working Party had a traditional view of the work of the centre, the committee's view was even narrower.

The other major instance of a funder taking a more radical view of the purpose of a centre than the centre itself dates from the review of the Southfield centre's urban aid funding. It will be recalled from Chapter 6 that the centre's funder felt that the centre should be offering something that private solicitors could not and so directed it towards a more community-orientated function. In other words, there was little point in providing public funding for an agency that was going to do work that could be just as easily undertaken by private solicitors operating within the legal aid scheme. In some respects, the council here may have *over*-estimated the sophistication of the legal aid scheme and the private solicitors operating within it. Nevertheless, it is clear that, unlike

some of the others we have come across, they wanted to fund an organisation that did not follow the private practice model.

Ironically, given that many of the other centres we have come across in this study would have benefited had their funders taken such a broad view of their role, the council here was pushing the centre to become *more* radical, with the penalty for not doing so potentially being a withdrawal of funding. The fact that the council was looking broadly at the function of the centre makes this intervention seem less challenging than some others we have considered. However, it was in essence no less threatening to the independence of the centre.

The community in Southfield appeared content with the focus of the law centre (which was still considerably wider than, for example, that proposed for the Whitetower centre by the 1984 management committee), yet the council was pushing it to do more. Part of the council's concern appeared to be that the centre was *not* reflecting what the community wanted. This view was based on the council's opinion that the centre had not established sufficient relevance to the community for the council to accept that it was carrying out the function required by the community. Thus the council viewed itself as a more reliable diviner of community needs than the centre itself. In some respects, this follows the logic of democratic accountability discussed in Chapter 9 below. This leads some councils to take a more direct role in the management of centres than they might were they content that the community was expressing its own views (and that those views did not conflict with that of the council).

## THE ROLE OF LAW CENTRES – CONCLUSION

This section has demonstrated that one of the key issues for law centres is the variation in definition of the services it is appropriate for a law centre to provide. Where there is a divergence of view within a law centre, or between a centre and its funder, the resulting conflict has often shown itself to be highly damaging. Table 4 below sets out a number

of characteristics that can be categorised as representing either the traditional model of legal services or the alternative offered by law centres.

**Table 4: Characteristics of traditional/alternative law centres**

TRADITIONAL	ALTERNATIVE
Advice; casework	Community/group work; campaigning
Reactive	Proactive
Open door	Closed door

As noted above the traditional and alternative models lie at opposite ends of a continuum, with most law centres displaying elements of both. To demonstrate this, Table 5 locates each of the three main parties (staff, management and funders) involved in the centres considered in this section. The table, therefore, shows details only of those centres considered in this section and in relation to which the range of services provided has led to conflict either within the centre or between the centre and its funder. The positions shown in the table relate to these periods of conflict (or, in Spring Park, two separate periods of conflict) and should not be taken to represent the centres concerned over their lifetimes.

**Table 5: Positions of parties along the traditional/alternative continuum**

←----- TRADITIONAL -----	ALTERNATIVE -----→
Whitetower management Whitetower funder	Whitetower staff
Longwinton funder	Longwinton management
	Longwinton staff
Southfield staff/management	Southfield funder
Spring Park staff (1986)	Spring Park management (1986)
Spring Park staff/funder (1988)	Spring Park management (1988)

Where views on the role of a law centre in any particular area diverge, as Table 5 clearly shows they can, law centre philosophy would suggest that the role determined by the

community itself should take precedence. However, one of the most striking challenges in any of the episodes recounted in Chapters 6 and 7 and analysed here is the view expressed by the Whitetower centre's own management committee in 1984/85. The move to increase opening hours was behind many of the centre's difficulties from that point on and yet it was itself the result of an expression of community control. Could it be that the community was wrong about its own needs?

This question poses a challenge for law centres: to what extent can a community dictate what it wants, even where this appears not to be a law centre in any real sense? In other words, in a case such as this, the principle and practice of community control appears to strike at the very essence of the law centre itself. Control by a community that is (perhaps unknowingly) unable to see beyond the limits of the dominant paradigm would appear to be incompatible with the aims of a movement born of frustration with those very limits.

Although some of those observing the events at Whitetower felt that the community had got it wrong, others were less sure that their decision could so easily be dismissed. Clark Hills of the LCF recognised that

“some communities are less radical than others – some just want casework. I have a problem with [that model]...because it doesn't use legal services for wider change, but if that is what the community wants, they have to get it.”

Of course, what the Whitetower management committee was pushing for was not even a casework based law centre as such, but, as the council observed, more of a drop-in advice centre (and one aimed squarely at a very particular part of the community at that). Although superficially similar, in that the council was concerned that the centre was defining its own role too narrowly, the question for the council in Southfield was whether the community was actually expressing a view at all. The fear was that the direction of the centre was being steered too closely by a small group.

In Spring Park, there was another fundamental challenge regarding the role of the law centre, but in this case, the challenge came from the staff, not the management



committee. Given that part of the challenge was to get rid of the management committee, the LCF's defence of the existing structure is unsurprising. However, the LCF also argued strongly against the proposed move to greater reliance on legal aid, arguing that *this* would mean that the centre was not a law centre at all. The question arises as to whether the LCF would have objected had it been the *management committee* that had decided to move towards increasing use of legal aid. If community control truly means that the community gets what the community wants, the community should surely be able to choose to have something that is not a law centre in any real sense.

In essence, the LCF's objection to legal aid casework dominance relates to whether a law centre can provide a full range of services while so reliant on legal aid. However, the issue does go further: if the law centre *cannot* provide a full range of services, is no service better than a legal aid service? As already noted in Chapter 7, Spring Park still has the benefit of a practice providing essentially the same services as the centre was at the end of its existence (i.e. a predominantly legally aided casework service, with some additional *pro bono* casework on top). Where private practices are able and willing to provide these services, the argument for public (grant, as opposed to legal aid) funding for a law centre rests squarely on the added value brought to a community by a wider range of services. In Spring Park, it would appear that there was *relatively* little added value (although that is certainly not to say that the centre provided no value at all; the demand for its services was clear and, through the private practice, still is).

As we saw in Longwinton, a council may seek to ensure that a centre concentrates predominantly on casework. By contrast, the council in Strathclyde felt that the growth in private practice offices in peripheral schemes like Southfield reduced the need for a casework-based law centre. Accordingly, the centre should concentrate on community-based activities. We have also seen that communities often see a clear need for casework, or, in the case of Whitetower, advice work, and therefore take a somewhat restrictive view of the service the centre should be providing.

The additional services are what make law centres unique and can serve to differentiate them from private solicitors. Whether a centre should concentrate on other aspects of service where there are no private solicitors in a particular geographic or substantive area is perhaps another question. Law centre philosophy dictates that the legal problems of the poor and indeed poverty itself can only be tackled using a combination of legal approaches. Where there is a dearth of private solicitors providing casework in an area, the argument therefore is not for a casework-only law centre (which, it might be argued, would not really be a law centre at all). Rather it is for a law centre that is well enough funded to meet the area's casework needs (inasmuch as this can ever be done) as well as engaging in the full range of other law centre activities.

Where limited funds are available, this poses a problem for councils, or indeed management committees, seeking to meet what they view as priority needs. More seriously for law centres, where a council assesses services in an area and determines that private practice solicitors operating within and indeed beyond the legal aid scheme (as became the case in Spring Park) meet the casework needs of the community, the additional services provided by law centres may be viewed, however short-sightedly, as expensive luxuries. The case studies in this research show that law centres face a wide range of potentially fatal internal difficulties. To be able to argue at the same time as these challenges are faced that the service being provided is unique and provides good value for money is surely both one of the greatest challenges for and strengths of law centres. Law centres must be able to argue that the blend of services adds up to more than the sum of its parts. Councils or other funders must be made acutely aware that it is the blend they are financing, not the casework only service that could be provided to a large extent by committed (and in all probability precariously profitable) private practices. However, where finances are tight and the range of available services narrow, the willingness of funders or communities to see beyond the traditional paradigm may be more limited.

## MANAGEMENT: THE LEGAL DIMENSION

Management by the community is a key principle for law centres, but one that has caused many problems. We have already noted above that management committees may have limited views of the role of law centres, based on a traditional view of legal services, and that they may not necessarily understand the nature of legal work at all. Chapter 9 considers several other management-related issues, such as general inexperience and the importance of observing the boundaries between staff and management. These issues are not necessarily unique to law centres. By contrast, this section concentrates on the added challenges resulting from law centres' location within wider legal structures.

Despite the frequency of management difficulties and their consequences for many law centres, only in Spring Park has the principle of community control of legal services via management committees been challenged at a fundamental level. Although the co-operative proposal was ostensibly a response to the management committee's rejection of the proposal to expand the centre via an increase in legal aid work, it is clear that Peter Adams also objected to management committees in principle:

"I'm not sure that that there is any useful role for management committees in relation to the provision of legal services at all. Most of the people on the management committee didn't understand how the legal aid system operated...when it came down to it, what decisions were they in a position to take that bore on any important questions for the management of the law centre?"

However, he argued that his questioning of the validity of management committees did not mean that he saw no role for the community:

"My opinion was that the role of the community in relation to the law centre was quite different...instead of having a management committee of people who were drawn from the community and would waste their time trying to administer us even though they didn't know how to administer us, we would administer ourselves...The whole point of the co-operative would be to provide a legal resource to the community and we would want to work with people in the community who were going to be actively involved in trying to do something about what was wrong with the community which was relevant to the kind of legal

resources we could offer. Instead of them coming in and devoting their energies to running us, we'd want to contribute our energies to supporting them....the [normal management committee arrangement] is all inside out."

In these two statements, Adams hit upon an issue that is perhaps at the heart of the tensions between staff and management committees: knowledge of the operation of law centres and, in a wider sense, legal practices. As discussed in Chapter 9, the LCF itself has recognised the potential problems in a system that has at its heart the management of professional staff by "lay persons".

The potential to cause problems of the legal structures within which law centres operate was also recognised by one of those involved in the Burnhead centre. Most of those on the original committee had experience from other agencies and groups. The committee also had the benefit of additional assistance from the Regional Council Social Work Department's Community Involvement Branch. This ensured that they were reasonably familiar with their responsibilities when it came to being office bearers or board members managing a funded project such as the law centre. However, nobody at the outset had anticipated the additional pressures that the legal nature of the project would bring:

"This wasn't just a wee hole in the wall sort of organisation. Most of us had been involved with things before and been on committees, so we knew how things worked, but it was just this legal aspect of it...slowly but surely we became aware that not only did we have the one boss but there was this other 'thing' growing in stature every day called the Law Society".

The role of the Law Society (of England and Wales) was identified specifically in only one case, when it became involved in the discussion of the co-operative proposal in Spring Park. In that case, as described above, the Society stood in the way of the proposal, for reasons fully supported by the Law Centres Federation. The role of the Law Society of Scotland (LSS) was identified in three cases. It is hardly surprising that the LSS played an important role in the early life of the Southfield centre, as it was initially opposed to this new form of legal practice. However, none of the next phase of law centres faced any difficulties with the LSS. Its opposition had fallen away following

the generally positive nature of the Southfield experience. Indeed, with the repeal of section 27 of the Solicitors (Scotland) Act, the law was eventually changed explicitly to permit fee-sharing, one of the original bees in the LSS's bonnet. Only in relation to the Muirlands and Burnhead centres did the LSS appear to cause problems.

However, it does not appear from what could be established with respondents that the LSS was being particularly awkward in relation to either centre. Rather it appears that the mere existence of the LSS and its practice rules caused concern amongst the staff and management of the two centres.

It was noted in chapter 6 that there was some concern within the council in Muirlands that the LSS's practice requirements (or the centre's interpretation of those requirements) were delaying the centre's opening. For the Burnhead management committee, it appeared that the LSS was regarded with some trepidation. The committee was keen not to fall foul of rules that it did not at that point understand but of which it had some vague awareness (matters such as client confidentiality and client accounts). The spectre of the LSS's rules also appeared to have made the committee a little anxious about the management of the solicitor and they were keen to meet with the LSS to establish the limits on their ability to give the solicitor directions. The committee had not at that stage encountered any particular problems, but sensed that there may be greater limitations on their ability to manage this project than others in which the members had been involved. The committee was also keen to ensure that their funders were aware that the centre might not be the same as other urban aided projects and that there was potential for conflict between the "two masters".

The timing of this study means that it is impossible to say whether these limits and the structure required for a legal practice proved problematic. The concerns raised in the early days of the Muirlands and Burnhead centres do perhaps provide some evidence for the theory that the legal dimension raises additional issues and may exert additional pressures on staff and management. This may mean that law centres are harder to maintain than other voluntary sector projects. However, it is also interesting to note that

these two centres were staffed by solicitors who had not previously been involved in law centres. They may themselves have had a different perception of the respective roles of themselves as practice managers, the management committees as project managers, the centres' funders and the LSS as a professional body and regulator.

Thus in the later Scottish centres the legal profession was not explicitly using its (regulatory) power to restrict the development or operation of the centres. However, the unease felt by the management committees or funders of these centres stemmed from one of the features that distinguishes professions from other occupational forms: a shared language and set of rules that excludes non-members. In this sense, the professional model made it harder for the lay people involved to manage the law centres.

## THE PROBLEM OF STAFF TURNOVER

We saw in Chapter 6 that many centres had a high turnover in staff and that some centres went through periods without any solicitors. As with management problems, this may be an issue that confronts many organisations, whether voluntary sector or not. However, this is a particularly serious problem for law centres, as they are often unable to operate without solicitors. The struggle to recruit qualified staff may itself be related to the fact that law centres represent a departure from the dominant paradigm of legal practice. They have remained on the margins of the legal services market but are competing for solicitors with practices operating firmly within the dominant paradigm.

Centres may struggle to recruit solicitors for a number of reasons, but these problems would be less severe were centres not required to recruit so often i.e. if staff did not leave. We saw that in some centres, recruitment difficulties have been a result of internal conflict giving the centre a bad reputation. That same internal conflict may be responsible for the staff leaving in the first place. However, Peter Adams thought there was a more fundamental problem that meant that there would always be staff turnover within law centres, whether there was internal conflict or not:

“It seems to me that the development of law centres...was to do with exploring new ways in which legal services could be delivered, but you can only carry on exploring for so long. There comes a point when you’ve got to put the thing on a proper footing and finance it properly and the whole charitable context of it all is a complete diversion and a load of nonsense...we weren’t going round with collecting tins: it was either legal aid money or money from the council.”

The result of this ‘charity view’ - that things ought to be done on the cheap - and a failure to address the basis on which law centres should operate meant that law centres had come to be regarded as a training ground for solicitors, who would move on after a relatively short while:

“There ought to have been a proper framework within which the law centre system developed which could have been instituted from the late seventies onward. There could have been proper career structures, proper pay scales... decent wages, decent conditions etc. [You could] have a situation in which you paid the basic core costs and then you reckoned it was up to the law centre to manage their affairs, to make what they can of the legal aid scheme and develop and increase their size to whatever seemed to match local demand. If Spring Park Law Centre had been prepared to go down that road and professionalise the whole thing, I’d probably still be there.”

It is fair to say that Adams’ views are somewhat different to many of those in the law centres movement. We have already explored the issue of maximisation of legal aid income, to which the LCF was strictly opposed at the time. However, Adams’ views are also likely to be viewed as objectionable to many within the movement, particularly as he seems to argue that law centres are themselves to blame for the inadequacy of their own funding. In some respects, one can see that for some of the more radical elements within the law centres movement, the charitable context would be seen as an integral part of being a law centre. The original Spring Park steering group involved some groups that operated on a non-funded basis as a matter of principle, as to accept funding would be viewed as a compromise on their integrity and independence. In addition, it will be recalled that some of the Spring Park centre’s problems stemmed from the election of a number of management committee members who treated the centre’s professional staff with suspicion, arguing that they worked at the centre for status and out of self-interest. Clearly, such a management committee would have rejected outright

Adams' arguments for proper career structures, pay scales and improved conditions: they already felt that the structures that did exist were elitist.

Adams' arguments are also somewhat at odds with the collectivist ethos and pay parity that was a feature of many of the original law centres. Some centres may have attracted or kept staff precisely because of the collectivist ethos. Indeed, the staff group in Whitetower walked out partly because a hierarchical structure was imposed upon them. However, Adams argued that these instances would be outweighed by the problems that many centres had in recruiting and retaining solicitors in particular. Thus to the extent that the problems Adams identified were the result of the philosophical stance taken by law centres, he is perhaps justified in placing the blame for failure to keep quality staff at the movement's own door. However, there can be no assumption that, had the movement gone down the professionalisation route, 'proper financing' would be the result. The use of legal aid to bolster centres' incomes is another topic on which Adams' views diverged from most of those in law centres. Again, however, there is nothing to say that either central or local government would have responded to professionalisation by providing better or more secure funding arrangements.

It seems logical to suggest that improved pay and conditions would help law centres attract and retain the staff they needed. It is also, however, conceivable that the possible change in ethos involved would have changed law centres in other ways. Thus while possibly reducing the extent of one form of change (staff instability), one cannot predict what other changes may have resulted. Clearly, where one offers an alternative to the dominant paradigm, that alternative must be attractive if it is to compete successfully. It would be naïve to think that it was simply the ethos, structure and areas of work that make law centres unattractive to all but a minority of lawyers. The biggest single issues are more likely to be insecurity and inadequacy of funding, meaning that the salaries and security offered cannot compete with private practice, except for less experienced staff. The same could of course be said of legal aid work within private practice. However, the level of remuneration available through legal aid will often (if not in most cases) be bolstered by private client income, an option not available to law centres. In this sense,



the problem for law centres is that those in control of public funding for legal services do not value this work as highly as private clients do the services they receive. This is evidenced by the differential rates of pay for private and legal aid work and, by extension, law centre work.

## CONCLUSION

This chapter has assessed the hypothesis that the development of law centres has been restricted by the power of the legal profession and the dominant paradigms of legal practice, legal needs and legal services. It has done so in light of the evidence presented in preceding chapters. It has shown to a certain extent that the ‘alternative’ nature of law centres has meant that they have struggled to establish themselves in the legal services landscape. The direct power of the profession has manifested itself rather less than might have been expected, given the extent of the opposition to law centres evident from the history of the birth of the movement presented in Chapter 2. On reflection, however, this is perhaps less surprising, as most of the centres considered (and all but one of those in the Strathclyde area) opened long after the initial period of explicit professional opposition.

However, while there was relatively little evidence for difficulties caused by the profession’s position, there was more support for the idea that the power of the dominant paradigms has posed a challenge to law centres. Even this was not central in the accounts of the *establishment* of centres. While a number of centres did suffer complications at birth, relatively few of these stemmed from funder or community resistance grounded on adherence to the dominant paradigms. Thus, the evidence on centre openings offers only limited support for the power hypothesis.

The birth of centres is, however, only part of the story. The power hypothesis may still provide a useful framework for the analysis of the lives and deaths of centres. The evidence analysed in this chapter does indeed suggest that law centres have faced many

difficulties that can be traced either to the power of the profession as such or to the departure law centres mark from the dominant paradigms. Firstly, conflict between staff, management and funders of individual centres often stemmed from differences of view as to the appropriate roles for centres. These problems were more likely to arise the further from the dominant paradigm one of these parties sought to locate the centre and its services. Secondly, different levels of understanding of the constraints and practicalities of legal service provision and the interaction of lay management committees with professional rules and language brought unwanted challenges to many centres. The latter in particular relates directly to the ability of the profession itself to define and protect its own norms through the development of exclusive rules and language. Finally, law centres have not always been able to compete successfully with more established forms of practice for the legal staff they need to operate. While this may in part stem from law centres' distance from the dominant paradigm, it is also recognised that many of these problems derive from their funding situation. However, even with more secure funding, the departure from the traditional model would still make law centres vulnerable. As one respondent observed:

“[law centres' difficulties are] accentuated by [their funding] not being a statutory duty... If [law centre funding] were a statutory duty then neither continuous community control nor continuous radical access to justice would be guaranteed, because you couldn't put that in a statutory duty. So in a sense what makes law centres different is part and parcel of why it may be necessary for them to close sometimes.”

Although the problems identified in this chapter were certainly common enough to be considered major themes, they were not endemic. Further, some centres have faced difficulties that are unrelated to the power of the profession or the dominant paradigms. This suggests that the analytical framework provided by the power hypothesis is inadequate. However, several additional themes emerge from the evidence presented in Chapters 5, 6 and 7. These are explored in Chapter 9, with a view to informing either a refinement of the power hypothesis or the development of possible competing theories.

## CHAPTER 9: OTHER THEMES

The analysis in Chapter 8 suggested that a hypothesis based on the power of the legal profession and the dominant paradigms of legal practice, legal needs and legal services could not adequately explain the pattern of development of the law centres studied. The accounts of centres' births, lives and deaths presented in Chapters 5, 6 and 7 also suggested a number of further themes.

The relationship between centres and their funders is, perhaps predictably, a major issue, given that funders effectively hold the power of life or death over a centre. Management also emerges as a common source of conflict. Both of these issues have to be seen in terms of the local, community, ethnic and party political context in which law centres operate, which can also itself prove to be a specific source of difficulty for centres. A closer analysis of the evidence suggests one over-arching factor that links all of these points: the ability, or inability, of law centres to cope with change.

Even amongst those centres that have survived, the main challenges have been related to times of change. Change has had disastrous consequences for other centres. Change is not only inevitable in the life of law centres: it is necessary. Community control requires that there be change either to the way the law centre operates or at least to the management of the centre. Thus law centres face a fundamental paradox: to ensure effective community accountability, they must change and yet many law centres have proven themselves susceptible to poor handling of change.

### CHANGE

This section considers the impact of change on law centres. It begins by focusing on the areas in which change occurs, before considering the aspects of this change that may be problematic for law centres. Given the problems change may bring with it, ways of minimising change itself are considered. Finally, given that some change is inevitable

and indeed necessary, the section concludes by looking at ways of minimising the negative impact of this change.

Change can occur for a number of reasons and in relation to a number of areas of law centres' lives. Some of these are changes within the law centre, while others are changes to the context in which the centre operates. All voluntary organisations exist within a wider voluntary sector in a particular area and will have to respond to changes in demand and the availability (or otherwise) of alternative sources of assistance. However, there are a few changes that have potential to affect law centres so fundamentally that they must be recognised as such. This section considers several areas in which change might occur. Firstly, given the role they play in relation to most law centres, it is important to recognise the importance of changes within the funding local authority. Secondly, there are changes to the funding structure for law centres. There are then a series of areas of change that apply more directly to the law centre itself. Of these, the first relates to changes in staffing while the second relates to changes in the management committee – perhaps the most common and potentially problematic area of change. Other changes are brought about by the arrival or departure of key individuals. As these will usually themselves be part of a change in the council, staffing or management committee, they are not considered separately but are assessed in the context of one of these wider classifications.

## CHANGE WITHIN THE LOCAL AUTHORITY

Local authorities are the major funders of most law centres and are, of course, subject to the vagaries of the democratic process. It is, therefore, to be expected that councils will change. Control may pass from one party to another, or the balance of power may become more or less comfortable. The composition of the controlling group may shift or key individuals may lose or win places. Given the frequency with which local government is reorganised in both England and Wales and Scotland, nor is it any surprise that at least one period of reorganisation has coincided with the lives of many centres.

Just as law centres exist within a wider socio-economic and political world, so do local authorities. The period with which this thesis is concerned largely coincides with the period during which the Thatcher and post-Thatcher Conservative administrations sought to control local government expenditure. Central government reined in the freedom of councils to raise and allocate resources and provide services according to the needs they determined (Leach and Stoker, 1988). In this context, many local authorities will have found their ability to fund extra-statutory services, such as law centres, much reduced.

One would expect changes both within councils and to their powers and resources to impact on the law centres they fund. The extent to which this was seen in the centres in this study is explored below.

## CHANGE IN FUNDING STRUCTURE

In addition to changes within funding councils, or even the abolition of funding councils, law centres can be affected by changes in funding structures. Council support for, or scrutiny of, law centres may itself be dependent on the extent to which the council feels it is getting value for local tax-payers' money. Any implicit cost-benefit test will be easier to pass if the cost is minimal. While a law centre is funded under the urban programme, the local authority contributes just 25% funding. A local authority's commitment to a law centre may be more severely tested when that funding commitment increases to 100%. The impact of this change was clear for the centre in Westchester, which did not survive beyond the expiration of urban aid. It now appears that the Muirlands centre has also failed to make a sufficiently strong case for mainlining. As discussed in Chapter 5, some of those observing the Muirlands centre's struggle to get going felt that it was doomed from that point onwards. The change in funding structure was inevitable, could not be postponed and came so early in a centre's life that it may have been impossible to rectify early mistakes before the change occurred. Despite this knowledge of impending change, not all centres were able to cope with it. Most changes

are subtler than this, but they are not predictable in the same way. They therefore have just as much – if not more – scope for causing problems.

## CHANGE IN STAFF

In some respects, changes in staff within law centres will be the result of other changes. For example, changes in funding may mean that staff numbers are reduced, as happened in Spring Park and Whitetower in 1981. Changes in the priorities for a centre may lead to staff with different skills being required, as in Longwinton when the move to community work alienated the caseworkers, who then left the centre. In other ways, changes in management committees may lead to staff changes. In Whitetower, most of the staff group left in protest at the changes being forced through by the new management committee. There was a similar mass resignation in Spring Park when the staff were unable to work with an ‘anti-staff’ management committee.

However, changes in staff may occur independently of any other changes, or may themselves prompt other changes. For example, the events in Spring Park in 1985/86 appear unconnected to any change in the management committee’s approach. Rather they stemmed from a series of minor disputes which, handled badly by the management committee, gave added impetus to the anti-management view expounded by a relatively new solicitor. It is possible that these disputes would have occurred anyway, given the apparent lack of management skill and general absence of goodwill. Nor is there anything to say that the rest of the workers simply followed Peter Adams’ lead in supporting his proposal to get rid of the management committee. It does appear, however, that his philosophical position was very well developed and that the staff/management relationships in the centre at the time made the rest of the staff particularly receptive to his ideas. Thus the arrival of one member of staff with strong views about the (lack of) role of management committees and the purpose of law centres took the centre to the brink of collapse.

It is also worth recalling the discussion in Chapter 8, which suggested that the relatively high turnover of legal staff in law centres may mean that this sort of change occurs more regularly than would ideally be the case.

## CHANGE IN MANAGEMENT

By far the most common changes within law centres are those relating to the composition of management committees. We saw in Chapters 6 and 7 that many of the problems that have led to staff departing, to funders becoming concerned about the operation of centres or indeed to centres closing appear to stem from the impact of changes in management committees. It is therefore important that the reasons for these changes are examined in some detail.

This section looks at two linked features of management committee change. The first of these is the need for management committees to change. Given that changes in management committees often cause problems, one might argue that change should be prevented. However, as will be explored below, change is not only inevitable, but is also necessary for law centres. Secondly, while it can be expected that change *will* happen, it is often the influx of new people to management committees that causes problems. It is therefore important to consider their motivations for becoming involved.

### THE NEED TO CHANGE

Law centres do not exist in a vacuum: they exist because the communities in which they emerge have certain needs. Centres aim to meet the needs prioritised by the community to ensure that they are relevant and accountable to the people they are set up to serve. The community expresses its needs through the management committee, which then seeks to meet those needs by prioritising services accordingly.

As communities' needs and priorities will change over time, it is clearly necessary for a system of community control to incorporate some mechanism to ensure that the centre remains relevant. Although most centres would have this as their aim, it is widely

recognised that, to ensure continued relevance, the centre must do more than periodically review its operation and the needs of the community. The way in which centres normally seek to do this is to allow for change in the management committee.

Although the process of ensuring continuing relevance to the community is far more complex, it has often been reduced to the apparently more straightforward concept of ensuring that the management committee reflects the community that the centre exists to serve. Thus much store has been set on whether a management committee is representative in terms of socio-demographic factors such as gender, race and sexuality.

While representing the community may be a laudable aim, it is doubtful whether it can ever really be achieved in any meaningful way. Clark Hills of the LCF felt that:

“[management committees] can never be fully representative because the level of real community involvement in law centres is limited. Law centres need to be honest about that.”

Nevertheless, some centres have made great efforts to involve all sections of the community. The Longwinton centre sought to do so by incorporating a reserved places clause into the constitution. The committee viewed this as being behind many of the centre’s troubles, although that was denied by the council. However, a more direct link between a centre’s problems and the changes that can be brought about by its efforts to involve the community was seen in Whitetower, where the change in the management committee was sudden and almost total.

The Whitetower centre originally had a predominantly white management committee. Despite this, those involved felt that the centre probably was meeting the needs of the community in as far as they were able to make this judgement. Nevertheless, the management committee itself recognised that its membership was representative neither of the community as a whole nor of the centre’s own client base. The apparently excluded part of the community had not itself complained that it was not represented in the running of the law centre or that the centre was not meeting its needs. One of the



founding members of the management committee described the situation as something of a paradox:

“The centre was going along quite nicely and was working well and there was certainly enough business through the door and yet there was a feeling that it should involve more people on the management side.”

Thus, it was on principle, rather than due to any particular concerns expressed by the community over the direction of the centre, that the committee decided that it should change the constitution to enable itself to become more representative. Ironically, this resulted in the election of a committee no more representative than the previous one. The election of ten Muslim men should have been no more problematic for the centre than having a predominantly white committee. However, it was felt that the new group was deliberately channelling the centre’s energies towards one part of the community (the part they represented) to the exclusion of all others. This was in contrast to the previous committee, which had found some sort of balance between immigration and housing work, which tended to involve different parts of the community. Thus in striving to become notionally representative, the Whitetower centre actually became *less* relevant to much of its community.

It seems at first odd that the particular group that took over the law centre had previously expressed little interest in the centre or its work. For a number of years, five places on the management committee were directly elected annually. Yet none of those elected in 1984 had ever stood for election to any of these five places. It appears that it was only when *control* of the centre, rather than simply a say in its running, became a possibility that this particular part of the community became interested.

The problems caused by the election of the new committee were explored in Chapters 6 and 7. While these problems clearly demonstrated the dangers of sudden change resulting from efforts to maintain relevance to the community, other centres have had difficulties in some respects stemming from a lack of relevance to their communities.

We saw in Chapter 6 that the Southfield centre's funder was concerned that the centre had not established its relevance to the people and organisations operating in its area. The perceived lack of interest in the centre caused sufficient concern for the council to make future funding conditional on the centre establishing an increased presence in the community.

Similarly, it will also be recalled from Chapter 6 that the centre in Petersedge was never fought over in any way, with little apparent competition for management committee places. Given the experiences of other law centres when some individuals or sections of the community take too close an interest in controlling a centre, this lack of competition might be regarded as something of a blessing. However, one former management committee member felt that local apathy itself had a negative impact when the centre was in trouble. She felt that a grass-roots approach would probably have made the centre harder to close as it would have had more support and more powerful objections may have been raised. As it was, there appears to have been no major 'save the law centre' campaign and the council's decision to cut funding appears to have been effectively final.

In comparison to the protracted disputes that have led to the other closures recounted in Chapter 7, there is something of an air of sadness about the closure of the Petersedge centre. While closure more or less seemed inevitable in other areas (and indeed it is perhaps surprising that some centres survived as long as they did) the centre in Petersedge simply stopped. Until the council withdrew funding, it appears to have been getting on with providing its services in a consistently competent, if perhaps slightly unexciting, manner. Some might argue that the centre had failed to secure its relevance to other voluntary and statutory agencies in the area (the relationship with the CAB was described by a former management committee chair as 'mixed'). In a sense, this might indicate that the centre's responsiveness and, perhaps, accountability to its local community was more limited than that of centres that had been targeted by local activists.

Yet the constitution of the centre *did* leave it open to take-over: it just never happened. In a sense, the community, by failing to articulate different needs to those being met by the centre, endorsed through its apathy the approach adopted by the centre. Of course, the people of Petersedge ended up with no centre at all, just like the more active communities in Longwinton, Spring Park and Whitetower. This suggests that a balance has to be struck between community apathy (for which one might read lack of support when the going gets tough, as identified by the former management committee member) and community overload (which might itself make the going tough).

Although its efforts may be to some extent in vain, for a law centre to be accountable to the community it serves it has to make at least some effort to involve a cross-section of its client community in its own running. It also has to make sure that it *remains* responsive to the community by building in a change mechanism. The dangers of apathy may be subtler but may nevertheless be as great as those of instability brought about by excessive change. The key is surely to *control* the change that is a necessary part of every centre's life.

## MOTIVATION

We have already seen that law centres should strive to provide those services the need for which has been identified by the communities they serve and need to change to be responsive to changes in those communities. However, while a law centre may respect its community, the community will not necessarily respect the law centre and its principles. In other words, if a law centre is going to go out of its way to meet the needs of the community, how can it be sure that when the community responds it has its own legal needs at heart?

The question here is why people choose to become involved in the running of a law centre. We saw in Chapter 5 that getting a law centre off the ground will often require a great degree of commitment from those involved. This may sometimes mean that initial enthusiasm might wane a little, with one steering group member describing how

“We got a new tranche of maybe 15 folk who came along, but when we actually discovered that we’re not in this for the teas and coffees, we actually had to put pen to paper, actually had to think, had to come to decisions and if we don’t come to a decision this week, we’ve got to come back next week and do it, they dropped off again.”

The level of commitment appears to ensure a certain commonality of purpose amongst those that are involved in the early stages of law centre development. While some may have a broader perspective than others (are they seeking to meet unmet legal needs *per se*, or are they seeking to use legal services to tackle wider socio-economic problems?) the core focus is invariably the benefit to a community of a law centre and the services it provides.

The same cannot necessarily be said of those that become involved in law centres after they have been established. It is impossible to say why every person that becomes involved in the running of any voluntary sector organisation does so. Some may genuinely feel that they have something to offer and that they have a civic duty to help ensure the success of what they see as a worthy cause. Others may feel that, if a particular type of organisation is going to be established, they should seek to ensure that it reflects the interests of a group they represent, such as residents. Others may simply feel that involvement in the life of the community looks good, in terms of enhancing either their employment prospects or their standing in the community. For some, it appears that such a visible display of community spirit facilitates political ambitions, perhaps as much by chance as by design. For others, there appears to be a far more direct link between personal or political interests and becoming involved in a law centre. As one management committee member observed:

“There are always people on ego trips within committees who feel that staff are staff and can be used as such, whether for doing letters on their own behalf or whatever - we’ve seen it happen on other committees - unless you have it fairly firm. [The office bearers] all have our tasks, but we’re not really there to have it as a facility for coming off the street and enjoying it as a back up to whatever our own agendas might be. There will always be a danger there, with every community group.”

There is nothing wrong with seeking kudos, respect or status from one's association with a law centre. However, where personal motivation boils down to what involvement in a law centre can do for the individual rather than what the individual can do for the law centre, there is clearly a line that, when crossed, results in abuse of position. Once again, it is the Whitetower centre that perhaps provides the clearest case in point. The vice-chair of the centre was accused of using it as a private club, establishing himself in an office with a view of the door so that he could monitor arrivals and departures. This may have facilitated his suggested interference in the day-to-day running of the centre (discussed below). However, this was not the main concern. It was alleged that he was actually using the centre for political ends, ensuring that only those who signed up to the party line (i.e. supported his favoured candidate) received a service from the centre. This is certainly what caused most concern amongst the politicians in the area when rumours started to emerge.

Similar accusations were made in relation to a management committee member at the Old Green centre, although this appeared to be part of a smear campaign by a political opponent. Whatever the truth of these stories, there is clearly at very least a perceived danger that law centres may be abused by management committee members. It is obviously important for the legitimacy of law centres that such dangers are actively guarded against. The challenge is to do this while still allowing effective community control.

## **IMPLICATIONS OF CHANGE**

Having considered how and why change may occur and, indeed, why it may be necessary, this section considers the implications of change for law centres. There are three main problems that change may bring. Firstly, it may bring to light certain cultural differences that make the 'old way' and the 'new way' incompatible. Secondly, at a (generally but not always) more subtle level, it may result in changed priorities. Finally, it may result in management instability. Each of these brings challenges for those

involved in a law centre before and after the change: where they occur together, a centre may struggle to cope at all.

## CULTURAL DIFFERENCES

When new people become involved in running a law centre, especially where they come from a different part of the community to their predecessors, they may bring cultural differences with them. This, it was suggested, was behind some of the problems in Whitetower. It will be recalled from Chapter 7 that there were immediate difficulties between the conservative working class Muslim men who came on to the committee and the predominantly female staff group. It was further suggested that the cultural differences affected the work of the centre, particularly that involving the provision of advice to Asian women who were seeking to leave their husbands.

Clearly, it would be a challenge to a law centre to balance the views of different members of a management committee who had divergent views on such matters. Where there is an overnight transformation, the staff group could be placed in an extremely difficult position. A cultural difference of another kind clearly illustrates this point. Although the change was more gradual than in Whitetower, those who came to take over the Spring Park committee in 1988 had a very different view of the staff's position. They demonstrated forcefully that the committee was going to be in control and not the staff group, which these committee members felt had been abusing the community by seeking status in their law centre positions.

In neither Spring Park or Whitetower were the cultural differences resolved, with the majority of staff leaving both centres as a direct result of the changed atmosphere. The differences in attitude between old and new were so great that even a full induction programme for the new members appears unlikely to have reduced tensions. Once again, the key seems to control the extent of change, although this still could not have prevented new members with similar views coming to dominate the centres over a

number of years. Nevertheless, the sudden nature of the ensuing problems would be largely avoided.

## CHANGING PRIORITIES

It will be recalled from the previous chapter that the nature of law centres provides wide scope for disagreement over the types of services to be provided and the prioritisation of different services. Such differences of view as to priorities are most likely to occur following change either to the work of the centre or the views of others. Of particular relevance are the problems caused when the community - as represented by a management committee - demands a change in the priorities of a centre, potentially causing problems between staff and management, or between the centre and its funder.

It is also possible that conflict will arise where a funder changes its own priorities. The types of changes that can occur within local authorities were outlined above. This section considers the impact changes of this nature have had on the centres in this study.

Chapter 4 advanced some – albeit qualified – evidence that law centres were less likely to be established in areas with Conservative councils. The one centre in this study that was rejected outright for funding by its local authority was Old Green, which did indeed apply during a period when the Conservatives controlled the local council. The centre was later picked up by the Labour Lord Chancellor. In Petersedge, the Conservative council supported three urban aid applications, but with low priority attached. It was only when the third application was supported by (the strongly Labour) West Midlands County Council that it was granted by the Department of the Environment. This may suggest – and no more than that – that Conservative councils were less keen to fund law centres (all others being supported initially by Labour councils). However, this theory is somewhat weakened by the fact that the Stewarthall proposal was accorded low priority by a staunchly Labour council, only to be accepted first time by The Scottish Office. One clearly has to consider the reasons for council reticence.

Many of the centres became established in areas where councils had strong community development or anti-poverty strategies, or were perhaps otherwise more inclined to see the value of alternative solutions to long-standing problems, or social or community based projects in general. In Stewarthall, the council gave a low priority because an influential council department felt that it was already meeting the needs to be tackled by the law centre. As argued in Chapter 8, it was not so much a traditionalist view that private practice could meet the legal needs of deprived communities that resulted in the council's lukewarm response. Rather it was a standpoint based on a well-developed welfare rights strategy. In Petersedge and Old Green it appears that the councils' positions were based on nothing more than a general reluctance to fund social projects, or projects that would challenge their performance of their own statutory functions.

To the extent that the latter view is seen consistently in Conservative local authorities (and it will be recalled that a number of closures had occurred immediately following a change in the political control of councils, Wandsworth being the archetypal case), one might expect funding to be vulnerable to changes in the political make-up of the local authority itself. However, there was no evidence of such drastic changes affecting the centres studied.

There were no changes in control in any of the councils in the Strathclyde area, all of which were Labour dominated throughout the period (local government reorganisation is considered separately below). Control did change hands, however, in the councils responsible for funding the centres in Whitetower, Spring Park, Longwinton and Petersedge. As noted above, Petersedge started life under a Conservative administration, but died after control had passed to Labour. As the centre was given initial support from the (Labour) West Midlands County Council, this is not quite a reversal of the expected pattern, but does suggest that the impact of control is not as clear as expected. The fact remains that none of the centres in the West Midlands closed during periods of Conservative control.



However, while a change in control of a council may not lead to the withdrawal of funding, it may have a subtler impact, such as increased scrutiny or interference in the running of centre. As described in Chapter 7, when the Conservatives took control in Longwinton they instigated a review of the centre. However, their period of control was brief and, if anything, Labour's loss of control was thought to have kept the centre going longer. Opinions differed as to the impact on the Whitetower and Spring Park centres of the four changes in council control that occurred during their lives. Some described the battles to retain funding, while another described one Conservative councillor as "the best friend the law centre ever had". Despite these mixed views, all of the two centres' problems considered in Chapters 6 and 7, including the funding cut of 1981 and all of the council investigations, occurred during periods of Labour control. Thus, on the evidence of this study, there was no clear link between changes in control and particularly problematic periods in centres' lives.

Of course, change within a local authority can occur without a loss of control. There is no reason to assume that a change in the internal composition of the controlling group, or even the departure or arrival of a few key individuals, could not have a similar effect. However, the most significant theme emerging from Chapters 6 and 7 is the increased danger for law centres at times of budgetary constraint. Local authorities face difficult choices, both in satisfying their multifarious statutory responsibilities and in deciding between additional services competing for limited funds. A law centre is but one possible option for a local authority seeking to provide its public with important services.

It would perhaps be naïve to think that funding local authorities would be willing, or even able, simply to leave law centres to their own devices. This is particularly so given the scale of funds necessary to support law centres and the fact that most exist in the most deprived local authority areas in the country, where competition for resources is likely to be at its tightest. As explored in Chapter 8, serious conflict often stemmed from the struggle to maintain a balance between local authority control and electoral accountability on the one hand and law centres' operational independence and

community accountability on the other. It is perhaps, therefore, unsurprising that the relationship between law centres and their local authority funders is often tested at times of change, either within centres or to the availability of resources, or both.

Thus the Petersedge, Longwinton and Whitetower centres were seen to have made themselves prime candidates for savings by councils struggling to deal with cut-backs or other budgetary problems. The issues in the latter two centres would no doubt have caused concern within even the least financially-restrained of councils. However, the option of withdrawing funding would undoubtedly have been higher up the agenda at these times than it might otherwise have been.

With limited opportunities for raising additional budgets and a wide range of competing interests, local authorities constantly have to prioritise the services they wish to provide or fund. The problem for law centres is not only that priorities may change: it is also possible that local authorities will explore alternative methods of providing the services for which they do still see a need. This will not always be in favour of existing methods of service provision. An authority may come to view direct service provision or rationalisation as a more accountable or cost-effective alternative to the individual grant funding of a plethora of voluntary sector agencies. Although their role in the eventual demise of the centres was dismissed by the councils concerned, in Spring Park and Petersedge there was talk of alternative provision through council run neighbourhood offices and a benefits shop respectively.

While the impact of change within the controlling group or even control itself is unclear, one would expect the complete disappearance of a funding council to have more predictable results. The Southfield centre has seen two reorganisations, albeit the first took place before it opened. As will be recalled, the initial discussions about having a law centre in the area were delayed by the reorganisation of 1973. This added to the delay in getting the centre going. When the regions and districts were abolished in 1995 and new unitary authorities were created, the new authorities inherited commitments from their predecessors. As discussed in Chapter 5, the new Muirlands authority was

less committed to many of the 'social' projects approved by Strathclyde Regional Council and was pulling out of a lot of inherited voluntary sector projects. The law centre was likely to have to work very hard to make a case for itself.

Although there was less evidence of it being a problem to the same extent, the abolition of the metropolitan county councils in 1985 also had an impact on some of the West Midlands centres which received funding from both the county council and their individual borough, city or district councils. The West Midlands County Council appeared to be the secondary funder for most of the centres, so abolition did not cause such severe problems, in terms of changed priorities and support. Nevertheless, the loss of any funding would of course have had an impact on centres operating at the margins of financial feasibility.

The vulnerability to change of local authority funding begs the question whether central government funding would be more stable. The evidence from Old Green suggested that it was and that this stability enabled the centre to work though the sorts of problems that have led local authorities to intervene in other centres. Thus it appears to be the detachment from source - in terms of budgetary and voter accountability - and consequent low level of scrutiny that the Old Green centre's funding entailed that was of most benefit to the centre. Local authorities are likely to be far more acutely aware of the activities of law centres (including work that challenges the authority, as discussed in Chapter 8) and any difficulties they may be experiencing. There was also less change within central government during this period, with only the 1979 election resulting in a shift from Labour to Conservative. As we saw in Chapter 6, the incoming Lord Chancellor honoured the limited law centre funding commitment given by his predecessor.

Of course, no other centres shared Old Green's funding arrangement, all others having to cope the best they could with the consequences of change within both the centres and their local authorities. As we have seen, some coped better than others.

## MANAGEMENT INSTABILITY

A system that builds in a more or less constant process of change clearly has the potential to bring with it instability. It is a key issue for change management that stability be maintained during periods of change. When the period of change one is dealing with comes around every year or so, it is clearly going to be difficult to achieve this. In most situations, changes in management would bring with them challenges for staff and remaining members of a management team, in that there may well be different management styles with which to cope.

In law centres, however, there is often an added dimension. It is not so much the management style that one has to worry about, but the lack of it. Many of those who become involved in management committees will not have any experience of managing an organisation such as a law centre. Indeed, many will not have any management experience at all. The problems faced by law centres will be considered in this section in two specific respects. The first relates to management inexperience. The second, linked issue, relates to the boundaries between the responsibilities of staff and management and the problems that arise when these are crossed or become blurred.

## MANAGEMENT INEXPERIENCE

It was noted in Chapter 8 that, in seeking to involve actual or potential users of a centre in its running, there is no guarantee that management committee members will understand the nature of legal practices, law centres or their work. However, nor is there any reason to assume that they will have the basic skills required to manage a complex organisation like a law centre effectively. Even those with some management experience may not have experience of the non-traditional structure seen in law centres, or specific aspects of this structure which can bring with them specific challenges for managers, such as collective, non-hierarchical staff systems. The problematic potential of such inexperience is exacerbated by the constant introduction of new committee members.

Where managers are inexperienced, they are more likely either to become autocratic or to take a very stand-off approach, effectively allowing staff to run the show as they see fit. Neither is conducive to lasting stability. For example, the sacking and forced reinstatement of six workers in Spring Park was described in Chapter 6 as a heavy-handed and managerially incompetent approach to an employment dispute. Similar difficulties were experienced in Whitetower. The Working Party set up by the council to investigate the centre when five staff resigned in 1985, while generally sympathising with the committee's concerns, observed that

“[the committee] showed an almost total lack of appreciation of how to go about things, and their actions, as they now recognise, were both hasty and ill considered and precipitated a confrontation from which there was no escape” (paragraph 39).

Clark Hills of the LCF, who was heavily involved during the difficulties faced by the Spring Park centre, felt that such problems were the result of a knowledge gap, both in terms of management in general and law centres in particular. However, he saw it not as indicative of any sort of fundamental flaw in the management committee concept but simply as an example of the potential difficulties that both staff and management may face when management skills are lacking.

The unpublished 1985 LCF report into the difficulties experienced in Whitetower was ostensibly even-handed in its criticism of both staff and management. However, it noted the problems arguably inherent in a system that has at its heart the management of professional staff by, in the panel's own words, “lay persons” in the context of “centres which fall in with the non-traditional management/employee roles” (paragraph 5.5). As noted in Chapter 7, although not blaming management directly, it was by adopting management related measures that the panel sought to avoid similar problems arising in other centres.

These “lay persons” find themselves in management positions, not because they have any particular management skills, but because they want to have a voice in the running of a service for which they form part of the client group. This onus on user involvement,

rather than professional management, clearly brings with it potential for difficulty. Some ideas for minimising the potential difficulties are explored below.

### Collective working

One aspect of the non-traditional structure that was present in the centre with perhaps the most entrenched management difficulties - Whitetower - is the organisation of the staff group as a collective. This is not necessarily to say that collectives cause trouble for managers, but rather that the arrangements they entail are unlikely to be familiar to many law centre management committee members, especially new managers.

Even for those with previous managerial experience, managing a collective would usually be a challenge. In most organisations with a non-executive board, the board would communicate with a senior member of staff. That person would be relied upon to report to the board on the day-to-day operation of the staff and indeed the organisation as a whole. The board would also rely on that person to give effect to their managerial directions, communicating them to the staff group and ensuring that they were implemented. In a system of collective working, there is no senior member of staff to play this role. This has the potential to make the relationship between staff and management even more complicated than it already is.

Colin Barrett, a long standing member of the management committee in Old Green, described “horrendous difficulties” with the collective model: “it’s not a real collective, because people can always ‘play’ the management committee”. Despite the theory of collective working, informal power structures were seen to develop in Old Green, as were factions amongst the staff, with individual staff members trying to use the management committee to fight their battles for them. Barrett described these as “the things that are likely to happen when you have a collective – supposedly a collective – that is responsible to the management committee”. Nevertheless, he conceded that - in general terms - collectives could be attractive, but that there were also inherent difficulties:

“Collectives are fine as long as they are clear that they are a collective and they are responsible to each other, themselves and the collective. It’s great as long as it’s working, but it’s totally vulnerable. Once it starts going wrong, there is no mechanism to fix it”.

Given these inherent difficulties, he did not subscribe to the LCF view that law centres should ideally be run as collectives: “it’s not an ideal, it’s a load of baloney”.

Although not rejecting it outright, Clark Hills felt that, like community control itself, collective working was a concept that had not been explored in sufficient depth by those adopting it. It is easy to see how collective working (where, the theory goes, a group of people manage themselves, with no managers and no subordinates) if inadequately articulated and developed could result in either an actual or a perceived lack of management control in some centres.

Collective working is supposed to be an alternative to hierarchical management of the day-to-day running of a centre. This has to be carefully considered by staff. Hills argued that collective working means more than just sharing responsibility. It should mean that the staff actively manage each other: “you need to act hierarchically in relation to each other – it’s not just a free for all”.

Even where collectivism works effectively for the staff group, there is still work to be done in ensuring that the management committee is reassured that things are being handled responsibly and professionally. A management committee may fear that non-hierarchical management actually means no management. Hills argued that, even where no formal hierarchy exists, the staff should have one person responsible for keeping the management committee informed, to develop links and, in turn, to develop the management committee. This view fits in with Hills’ general philosophy, explored below, that law centre staff need to empower their managers by keeping them informed.

The principles of collective working have not always been clearly articulated. Perhaps as a consequence, it has become associated with *laissez faire* approaches to both work and management. In this context, it would be easy to fall into the trap of assuming that it is

inherently problematic. Although problems have been identified, even Colin Barrett suggested that there were attractions in theory. These attractions have seen the system become established in the centre in Havebury.

The Havebury centre has operated as a collective since its inception in the early 1970s. The important point appears to be that the Havebury collective operates under agreed conditions specifically designed to facilitate effective management. The lack of hierarchy in Havebury does not mean a lack of formal management. Hills' argument about staff acting hierarchically in relation to each other within a collective has been incorporated through formal mechanisms in Havebury.

Each member of staff takes a turn at being on a three person 'executive committee'. According to Alan Fisher, the longest serving member of staff at the centre, this committee "carries out the functions of an office manager, between [fortnightly] office meetings". Fisher indicated that this system operated well, "by and large", principally because it formalised the collective as an alternative management structure, rather than it being a free for all. Such a structure is, however, dependent on those working within it. The centre has proved itself able to attract and retain staff who share a particular ethos. They take up posts in the centre on the basis that they are both comfortable with collective working and are willing to make it work, rather than seeing it as an opportunity for an easy life.

The centre has a strong relationship with its local authority funder. As we have seen, local authorities tend to take a closer interest in centres where they feel strong management control may be lacking. Few if any such concerns were voiced about the Havebury centre, suggesting that the collective nature of the staff group did not impact negatively on the stability of the centre, or the local authority's perceptions of it.

The Havebury centre has perhaps been lucky in the sense that, for the most part, the staff at the centre have been willing and able to operate effectively within a collective. However, one might argue that the centre has, to a certain extent, 'made its own luck' by



carefully structuring its collective to promote good management, stability and ‘productivity’.

## BOUNDARIES BETWEEN STAFF AND MANAGEMENT

It is clearly important within a non-traditional structure such as that embodied in law centres that the boundaries between staff and management are well established. In a letter of 30/5/86 to the LCF regarding Peter Adams’ co-operative proposal, the Law Society observed that:

“[a]lthough in theory “a good thing” [management committees] have become the subject of considerable disruption in some Law Centres...[They] refuse to limit themselves to defining overall policy and try to become involved in the day-to-day working of the centre”

In response, the LCF strenuously defended the management committee concept on principle. However, the accounts of some centres’ problems in this thesis suggests that the blurring of boundaries between staff and management can indeed be a source of problems and, ultimately, can cause more widespread difficulties for law centres. Where experience has shown that a management committee may be prone to radical shifts in composition and attitude, staff may understandably seek to hold onto as much influence over the centre’s direction as possible. This may in turn lead to resentment and suspicion on the part of the management committee and the adoption of an autocratic approach.

Constitutionally, the legal responsibility for the running of the centre rests with the management committee and the committee is responsible to the funder for ensuring the centre operates effectively i.e. is productive. It is, therefore, clearly within the committee’s sphere of influence to ensure that staff are managed in a way that would help achieve this. Where a management committee has some doubt about the effective level of management – where, for example, they perceive a collective to be a free for all – they may be more prone to taking decisive action, possibly becoming too controlling.

The role of management committees in the day-to-day running of centres is often a factor in disputes between staff and management. There appears to be an important distinction, however, between becoming involved in day-to-day decisions about the work of a centre, or indeed the day-to-day management of staff, and ensuring that staff are being managed effectively, or, as the case may be, are managing themselves effectively. Thus it appears to be a legitimate concern of the committee to satisfy itself that management structures are in place, are effective and are being followed. It is surely an inadequate response to a query about management arrangements for staff to say that it is their job to manage the day-to-day affairs of the centre.

In the Whitetower centre, the balance between staff and management did shift when the new committee took over. Quite apart from the issue of the centre's opening hours and the staff's resistance to the proposed changes, the staff also appeared resistant to the management committee's attempts to impose its will on the centre.

It certainly appeared that, more so than in most law centres, the staff had exerted a great influence on the direction of the centre. It is possible, therefore, that they would resent a new committee coming in and changing the ground rules, even if those ground rules were the ones followed by most law centres. Minutes of the first few meetings of the new management committee record the animosity that existed between staff and management.

The council Working Party seemed fairly sympathetic to what the new committee was trying to achieve. Its report to the council argued that "[the new committee's] anxiety to effect changes, particularly regarding the accessibility of the Centre to the public, and to introduce more effective control and accountability is fully understandable" (paragraph 39). It found that the former committee had allowed itself to become sidelined by the staff, although it was also noted that the majority of the previous committee had been fairly satisfied with both this situation in general and the way the centre was operating.

The council and the management committee both rejected the collective model and agreed on the need for control to rest with the management committee and not the staff.

To facilitate this, the Working Party recommended that the staff's right to attend management committee meetings should be deleted from the constitution. In addition, it was recommended that the senior solicitor should be made responsible to the management committee and that "a sensible salary grading structure" should be introduced, thus getting rid of both the collective method of operating and pay parity (paragraph 58).

These proposals could certainly have been viewed as somewhat provocative to the staff group, given that they effectively legitimised the views of a management committee that they considered incompetent. However, this potential for controversy or resistance had already been minimised, as most of the staff that might have objected had already left the centre. The senior solicitor (when the centre eventually appointed one) was duly placed in charge of the staff group, responsible to the management committee, and pay parity was removed.

The Whitetower story again provides ample evidence of the importance of achieving an appropriate staff/management balance and ensuring that any change to that balance is sensitively handled. Although the staff did seem to be broadly in control, as already noted, this was accepted by the previous management committee. Nor is this situation entirely unheard of in other centres: the very similar problems in Spring Park resulted from a new management committee determining that the staff had been running things their own way and to their own advantage. There are two other common factors between these two stories. Firstly, the new management committees introduced their changes suddenly and somewhat forcefully, with little regard to the basic principles of change management or, arguably, employment law. In Whitetower, this appears likely to be down to ignorance and inexperience. In Spring Park, it seems to have been specifically designed to send a message to the staff that the new committee could not be treated as pushovers (with the implication that the old committee had been).

The other common thread is that in both cases the majority of the staff group ended up resigning. The management committees therefore got their way, but only at the expense

of the loss of experienced staff. From discussions with one of the management committee members from Spring Park it seems unlikely that any tears were shed for the departing staff. Indeed, the management committee's actions could almost be seen to be designed to achieve exactly what they did. The committee clearly felt they were acting in the interests of the community (their perception being that the staff had previously been acting with their own interests at heart). However, it seems unlikely that any major loss of staff would be in clients' best interests.

It is interesting here to note the contrast with the Scottish centres. Each of the Scottish centres has a management committee, but they appear to have been far more content to settle for the role they are intended to have: to oversee the general direction of the centres and ensure that the services provided meet the needs of the communities in which they operate. It is also interesting to note that there has, in general, been more stability in staffing within the Scottish centres and in many respects more stability within management committees, with few of the competitions for control and power struggles that have been seen in the West Midlands. Only in Southfield, and even then for a relatively brief period, was there any threat of take-over, when anarchists tried to redirect the centre.

Yet the Scottish centres are no more constitutionally protected from take-over than many of the English centres. However, as discussed in Chapter 8, one observer had suggested that the relationship between the legal staff and management in the Scottish centres was somewhat different to that in the majority of those in the West Midlands: the non-traditional arrangement of having professionals managed by lay persons was perhaps taken less to the extremes. In discussion with Matthew Dench, an experienced lawyer in a Scottish centre, it certainly appeared that this community development model was no longer accepted:

“The community development tradition is that the Board's job is to be controlling the professionals. That is very divisive...For most advice centres run [in this way], the fact it works is more by the reason of chance than by design. The lucky ones probably end up with a strong staff and a weak board...The community work

model of not having any professionals on the board because it would inhibit normal people is 20 years past its sell by date.”

Dench’s views, however, did not mean that the lawyers were in charge to the exclusion of the community. It was recognised that the respective roles of staff and management had to be well thought through so that the management committee could indeed have clear responsibilities, while maintaining a good balance between day-to-day running and strategic matters.

Thus the relationship between staff and management committee is key to ensuring the effective operation of law centres. Where the staff are too much in control, there is a danger that they will not be responsive to the needs of the community. Whether deliberately or not, they may provide the services they feel best able to provide, not the services the community needs. If the community becomes alienated as a result, there is a danger that any consequent concerted move to influence the centre by increasing involvement in management will lead to conflict with the staff.

On the other hand, if the management committee is too controlling, this may itself lead to staff resentment. This is particularly likely if the staff feel that the boundary has been crossed and the management committee is involved in the day-to-day running of the centre, rather than broader issues. Of course, the management committee has to be content that the centre is being responsibly run on a day-to-day basis, but that does not mean that the committee has to take on responsibility for this directly.

## **MINIMISING THE EXTENT OF CHANGE**

Given that change seems to bring with it great potential for problems, it might be suggested that the best way to avoid problems would be to avoid change. However, we saw above that change is an integral, inevitable and necessary part of law centres. This section considers briefly how law centres might seek to minimise the extent of unnecessary change and to control the change that is necessary.

## MINIMISING MANAGEMENT COMMITTEE CHANGE

It was noted above that the council Working Party set up to investigate the problems in the Whitetower centre recommended several changes to the centre's constitution, largely relating to the composition, procedures for election and operation of the management committee. By doing so, the council sought to ensure greater stability within the centre, without actually taking greater control itself (as the council in Longwinton attempted). Experience from this and other centres suggests that, far from limiting community accountability, greater constitutional protection against change can actually help ensure that law centres remain responsive and accountable to their communities. It can also protect them from take-over and its potentially destructive consequences.

The key to achieving this appears to be to avoid sudden changes in the composition of management committees on the one hand or stagnation on the other. The former has potential for sudden value changes and conflicts with staff, as seen in both Spring Park and Whitetower. The latter may lead to *laissez-faire* committees, strong staff groups and, consequently, lack of responsiveness to changing community needs, as seen in both centres immediately before the change in management committees. Stability could be protected via a constitution that ensures some fluidity of management committee membership by having some form of rotation built in, for example by limiting the period for which individuals can be involved. At the same time, some degree of continuity could be ensured by making only a certain proportion of management committee places available for election each year.

Organisations can be stakeholders, as well as individuals, and indeed may themselves represent the community more effectively than any individual or group of individuals. However, while measures need to be taken to ensure that change is not excessive, a balance clearly has to be struck to ensure that change does still occur. In some respects, it appears that centres which have organisation-based management committees have more problems in ensuring continued relevance to their communities.

For example, the management committee of the Easthill centre was made up of representatives of the organisations the centre was set up to service, mostly tenants' and other community organisations. The problem with this model was expressed by Matthew Dench as being that such organisations can "have a very long shelf life where they don't actually do anything". To keep the centre accountable to those it serves, some sort of dynamism has to be built into the constitution. This should ensure that the organisations represented on the management committee are ones that continue to refer to the centre. This is preferable to reliance on what quite quickly became traditional links (such as that between the Whitetower centre and the residents' federation).

Despite recognising some of the advantages of involving organisations, Douglas Turner was concerned that this could lead to a conflict of interest, not in terms of propriety but in terms of an individual's time. Involvement in a management committee can be time consuming and require a great deal of commitment. By definition, someone representing another organisation would also have other commitments and therefore competing demands on their time. Nevertheless, it appears that a combination of individuals and organisations, in the context of a constitution that ensures regular but not excessive rotation, might provide a sounder basis for accountability and stability than either one or the other.

## **MINIMISING THE PROBLEMS OF CHANGE**

Even where the constitutional steps suggested above are taken to minimise, structure and control the extent and speed of change, it is clear that change will still occur in law centres. Nor can it be assumed that the residual and necessary change will be unproblematic.

Some of the most pressing problems associated with change discussed above stemmed from new management committee members who had personal or political motivations for their involvement. In the same way that organisations should be required to

demonstrate relevance to the law centre, it was suggested that change would bring with it fewer problems were individuals required to demonstrate a valid reason for becoming involved. This could relate to specific skills or experience that would benefit the centre, or an interest in a particular aspect of the centre's work. Although an interesting idea, this would be far harder to operate in practice for individuals than for organisations and could not in any event prevent "non-believers being voted on by other non-believers".

The danger of take-over is likely to be exacerbated where there is general apathy amongst the community (although the centre in Petersedge found this problematic for other reasons). Where there is little competition for places on a management committee, it will be relatively easy for any well-organised group to dominate elections, as happened in Whitetower. One observer suggested that

"for agencies as complex as law centres, the best form of accountability and local control is if you cover such a large area that the people who come forward by whatever means of election are very broad based. Because law centres do things like representing women who have been beaten up by their husbands, or taking local authorities to court, influencing the way they spend their scarce housing maintenance money, it's just too much potential for things to go belly up if you've got a catchment area of 30,000 people in a community where a single family, let alone a single sect, may well dominate life on the streets."

In a sense, this can be seen as an argument against community control itself. On the basis that the larger the catchment area the less homogeneous the community can be expected to be, a law centre that covers a large area has less chance of having a management committee that reflects, far less effectively represents, that community. Thus a large catchment area might make true community control harder to achieve. Nor, again, does it necessarily avoid non-believers voting on other non-believers. Unless constitutional measures ensure that there is wide organisational representation on the management committee (and that only some individual places are available for election on an annual basis), there is just as much danger of one group taking over. General apathy is just as likely in a large area as in a small area.



To ensure effective community control, law centres must therefore seek to ensure that those that do become involved not only have a real interest in the work of the law centre but are also as widely based as possible. This is not necessarily purely a function of the size of the catchment area. It also relates to the centre's relevance to a wide range of individuals and groups in that area. The concerns of the council in relation to the Southfield centre, whether well founded or not, did at least suggest an understanding of the issue of community involvement.

Even where committee members become involved for the right reasons, the process of change will (and in some respects should) inevitably mean that management committees will continually see 'fresh faces' who know less about the law centre than either existing members or staff. They may become involved specifically because they want to see changes in the way a centre operates. The key is to ensure that the change they seek is appropriate and not based on any misunderstanding of the purpose or values of the law centre. At a minimum, an induction programme could help new managers to establish quickly for themselves the approach and values of the organisation. It was also suggested that constitutions, handbooks or value statements could set out the role of the committee in the day-to-day management of the centre. This would help ensure that new managers did not misunderstand their own role and (perhaps inadvertently) cross important boundaries.

Some of the most serious problems encountered by the centres included in this study resulted from differences in view, but also a general lack of management skills. Many managers in these law centres did not know how to manage effectively, a result of inexperience and a lack of training. The LCF had made efforts to provide training for new management committee members, but this clearly had not been sufficient in some cases.

These measures appear sensible, but would probably be insufficient to address the knowledge gap between new committee members and old hands and staff. This issue was discussed in some depth with Clark Hills. He recognised that, by the very nature of

things, staff would be more aware of what is happening on the shop floor. They are in control of the information given to management committee members about internal aspects of the centre's operation. In seeking to exert influence over the committee, this is a powerful tool. Hills argues that it is important for the staff to empower their managers and have systems for providing them with information about the operation of the centre, particularly where the staff group operates as a collective. Where there is lack of knowledge, there is more likely to be misunderstanding. Where the lack of knowledge is a result of a lack of information, withholding of information, or misinformation, there is also likely to be distrust, leading back to the potentially disastrous consequences of autocratic control.

We have seen that management committees can overstep the mark and seek too much control of a centre's actual work, something they are not best qualified to do and which quite predictably causes tension. The staff will almost inevitably know more about the ins and outs of the centre's work. However, a well-constituted management committee that is in touch with its community *should* know whether an acceptable level of service is being provided. Where little information seems to come from staff and it appears that management structures and/or management control are weak or non-existent, a management committee may legitimately be concerned about the centre's day-to-day operation, whether or not productivity is actually a problem.

In both Whitetower and Spring Park, the incoming management committees felt that the staff had been running things to their own advantage. In both cases, the new committees took over after periods during which there *had* been fairly hands-off committees in place. Clearly, it cannot be assumed that staff will run things to their own advantage where they have a non-directive committee. However, neither the new Spring Park nor Whitetower committees really gave the staff a chance to demonstrate that they were capable of managing themselves and were in fact productive.

In Spring Park, the new committee took an ideologically based approach to the staff, assuming that they worked at the centre for status and had no interest in meeting the

needs of the community. The management committee had no respect for the professionals in the centre, as demonstrated by the immediate dismissal of the barrister. In Whitetower, the reasons for the management committee's aggressive attitude towards the staff are less clear. Certainly, they did not feel that the centre was operating properly and did not seem to understand or trust the collective operation of the staff. However, the new committee wanted to turn the centre into an Asian advice centre, rather than a multi-faceted community legal centre. Given that it was meeting the needs of a far wider section of the community, providing a wider range of services on a wider range of subject matters, it appears unlikely that the centre could ever have matched up (down?) to the committee's expectations. Even the education and empowerment approach of Clark Hills seems unlikely to have avoided the problems that arose. The key here was control of the change in the first place.

## **THE VIEW FROM THE MIDDLE**

In discussing the problems of change, a number of respondents felt that the law centres movement could have done more to protect itself from the consequences of change. It could have done this by ensuring that the dangers were recognised and that constitutions contained the sorts of protections discussed above. Adequate staff and management training could have helped them cope with the non-traditional structure and perhaps inherent conflicts that exist within law centres and between law centres, the communities they serve and their funders. This section considers the role played by the Law Centres Federation in seeking to ensure the continuance of the law centre model and the stances taken in relation to some of the issues that have been discussed in this and previous chapters.

This study did not specifically set out to explore the role of the LCF in relation to law centres in general. The focus was on specific centres and the role of the LCF emerged as a factor in certain disputes. There is therefore a very real limitation on what can be said about the role the LCF plays or has played in relation to other centres. Through

discussion, however, it has become apparent that there has been disagreement at various points over what the role of the LCF should be. The view was also expressed that the LCF did not do as much as it might have to help centres in trouble. There may be some conflict between LCF intervention to help law centres and the principle that communities should be in control, even where this might have disastrous consequences for the provision of a law centre service in a particular locality.

Although each law centre is independent, the LCF does have a certain power over them: essentially, it has the power of patronage. The granting of a waiver by the Law Society and the provision of funding by a local authority was, at the time of the troubles in Spring Park and Whitetower, dependent on membership of the LCF. Expulsion, or refusal of membership, could therefore be the difference between life and death for a law centre. The examples of Whitetower and Spring Park indicate how chary the LCF was of applying this sanction. Douglas Turner bemoaned the LCF's failure to act in Whitetower when many people felt the law centre should have been expelled. Nevertheless, he admitted that the LCF could do little, other than recommending to the council that funding be withdrawn: "if the only sanction you've got results in you losing an agency then it's a fairly worthless sanction".

As we saw in Chapter 8, the staff resigned in both Whitetower and Spring Park - surely not the 'solution' the LCF would have hoped for - and the council did eventually withdraw funding. In these cases the LCF was caught between protecting the staff and their livelihoods from the over-zealous or downright incompetent (and, possibly, illegal) management methods of often inexperienced and naïve committees on the one hand and the right of the community to secure from law centres the services they determine they need on the other. It would appear that, in cases such as these, the LCF's binding, fundamental and, apparently, unquestioning commitment to the principle of community control left it effectively paralysed when it came to resolving crisis situations in individual law centres.

As much was clear from a letter to the Whitetower centre's funder when it took the decision to suspend funding. In its letter, the LCF re-affirmed its "commitment to community control of law centres by management committees that are elected within the terms of a particular law centres constitution" (sic). They further stressed the importance of independence from "control or interference from their funding agencies".

It is perhaps ironic that the LCF should apparently react defensively to a council that was actually seeking to achieve greater management control and stability while enhancing the representative nature of the committee. The council was not itself seeking greater representation on the management committee, unlike other councils (such as that in Longwinton). Indeed, the council appeared to be intent on implementing measures that would have largely satisfied the LCF's own investigations panel from two years earlier. That panel was itself criticised by many LCF members for not squarely blaming the management committee for the troubles at that time.

The LCF appeared to accept the absolute right of the community to determine the services provided by a centre, even where this resulted in a far narrower definition of the centre's role than that promoted by the LCF, and to run it shambollically, with a constitution that had previously shown itself wide open to abuse. The commitment to community control (officially) overrode any other concern that the LCF might have.

The LCF is in many ways in a difficult position, as the events within centres are often obscured by conflicting accounts and hidden agendas. One might, therefore, ask what the LCF could be expected to do in such circumstances. When they realised that the problems at the Whitetower centre were "irredeemable", Douglas Turner felt that

"the brave thing for the LCF to have done...would have been to recommend immediate closure...it would probably have been better if [the centre] had closed down sweet and clean three years earlier. As it was, the whole affair probably left a sour taste in the council's mouth, meaning that there would be less chance of them ever supporting another law centre in the area."

He felt that a national body such as the LCF should have been able to go into law centres and solve problems such as conflicts between management committees and staff. In short, he felt that the LCF had failed in this respect.

To a certain extent, Clark Hills shared this view. However, rather than withdrawing support from centres facing intractable problems, he felt that councils should be able to go to the LCF to help make them work. He cited one later example of the LCF forming a management board to see a centre through its troubles. He considered the service provided by a centre to be the overriding consideration and that this could be maintained if the centre continued to operate with management support from the LCF.

However, even by going in to sort out management problems, the LCF could be seen by some to be saying that, when the community shows that it cannot manage a centre effectively, someone else has to do it for them. This itself could be viewed as an attack on the primacy of community control.

These examples suggest a national body unable and perhaps unwilling to prevent or solve problems in some of the centres covered by this study. Whether it could have done so via further support, training and advice on the one hand or censure on the other is another question. Just as with community control itself, however, there were disagreements within the movement about the role the LCF should play in disputes, especially disputes between staff and management. The LCF is the representative body for all member law centres, but a law centre consists of both staff and management: who is it that the LCF should represent when the two are in conflict? Not only was there no clear view as to whether the LCF should support one or the other, there was also disagreement as to whether the LCF should play any sort of arbiter role at all. Thus any intervention by the LCF may have taken it close to the point at which some centres would object to the LCF itself interfering in their independence.

## CHANGE: CONCLUSIONS

This section has shown that change is a necessary part of law centre's existence but that change carries with it problems. It is, therefore, important that the extent and speed of change should be regulated as far as possible and that steps be taken to control its impact. However, law centres have also often shown themselves poor at coping with change. They are not, of course, unique in this respect: change is challenging to all sorts of organisations, large and small. However, the fact that change is an integral part of law centres' lives means that they will perhaps be expected to cope with change more often than many other organisations of their size.

Many of the changes that law centres face are external: changes in the local political landscape, or to the needs and priorities of the community. These changes may themselves prompt internal changes, such as revision to a centre's operation in response to those changing community needs. However, the episodes detailed in this thesis suggest that some of those – and particularly management committees – seeking to introduce change have failed to follow even the most basic requirements of change management. It is perhaps unsurprising in this context that the change process has often been stressful, chaotic and, ultimately, hugely damaging to the centres involved.

Accordingly, change provides a useful framework for the analysis of many of the issues identified in Chapters 5, 6 and 7. It will be recalled that Chapter 8 concluded that the hypothesis relating to the power of the profession and the dominant paradigm of legal needs, legal services and legal practice was not fully supported by the available evidence. This suggested a need for a refined hypothesis, or indeed an alternative. Change was the common theme emerging from many of the challenges faced by individual law centres analysed in this chapter. However, it would be too simplistic to suggest that the necessary reformulation of the power hypothesis could be achieved by drawing in addition solely on the literature on change management. Within the change-focused framework adopted in this chapter are many other threads that provide useful avenues for further theoretical and empirical exploration. Chapter 10 provides some

conclusions on the development of law centres in the context of the power hypothesis and outlines the alternative analytical and empirical routes that would lead towards a more fully rounded explanatory framework.



## CHAPTER 10: CONCLUSION

It will be recalled from Chapter 2 that the starting proposition of this thesis was that the restricted development of the law centres movement in the United Kingdom was a result of the exercise of power by the legal profession. Chapter 2 considered the existing evidence from the literature relating to law centres, in the context of the main schools of thought on the legal profession, theories relating to the exercise of power and an analysis of the historical development of legal aid and law centres. The conclusion reached from this analysis was that the impact of the legal profession on the development of law centres was more complex than at first thought.

The direct exercise of the profession's power, as it is understood in the pluralist tradition, was clear from an early stage in the development of state policy on the public funding of legal services. There was also evidence that the legal profession had initially resolved to oppose the development of law centres. However, the profession's position – as represented by the views of the Law Societies for Scotland and England and Wales – was not fixed and indeed it eventually turned towards support for law centres. Even while opposing them, the profession was unable to prevent the first centres emerging and, when the Societies attempted either to directly exercise their power of patronage or to steer policy in the profession's favour, they were less than totally successful. It was thus concluded that the nature of the power exercised by the profession was more complex than that the pluralists might have recognised.

It was not so much the direct power of the profession in influencing policy that appears to have been most problematic for the supporters of law centres. Instead, as suggested in Chapter 2, it was a more abstract form of power. This was not the sort of power that determined the outcome of policy debates, but was more closely linked to the kinds of power identified by Lukes (1974). The exercise of this kind of power meant that neither overt nor covert conflict developed. Instead, it ensured that a consensus which worked to the benefit of those exercising the power existed, with those who might otherwise

oppose the consensus not doing so because its power was such that they were unaware that it operated against their interests.

However, the history of the development of law centres actually suggests that the consensus was not in fact against the law centre movement's interests. The consensus that emerged was actually that law centres were a good thing. In fact, they were an essential part of the public legal services landscape. There was also a related consensus that private practice operating in conjunction with the legal aid schemes could not adequately meet the needs of the poor for legal services. However, even when the Law Society (in England and Wales) eventually recognised the value of law centres, government policy was still overwhelmingly directed towards private lawyers.

The evidence considered in Chapter 2 suggested that the power limiting the growth of law centres was not, therefore, simply that of the legal profession. Rather, it was the power of the dominant paradigm of legal practice and the prevailing conception of need for, and models for the provision of, legal services. This power was such that policy-makers were unable to view law centres as a suitable model for the provision of legal services. This influence extended to both those in central government responsible for the legal aid schemes (and with potential to establish a national funding framework for law centres) and those in local government making decisions on individual applications for funding for law centres. A further extension of this theory was that those who identified a need for legal services might not themselves accept the dominant paradigm-challenging approach of law centres.

Thus the starting hypothesis was reformulated. Rather than focusing simply on the role of the legal profession, the resultant working hypothesis also sought to establish the impact of the power of the dominant paradigms of legal practice, legal needs and legal services. This power may have been expressly championed by the legal profession in the early years of the law centres debate but, thereafter, it assumed a life of its own. The organised profession's 'direct' power to prevent the growth of law centres dwindled, but the early active opposition had in any event dissipated by this time. The resonance of the

received wisdom on legal practice, legal needs and legal services, however, had greater longevity. The conclusion of Chapter 2 was that this power – in a sense, the power of tradition – had restricted the development of law centres.

To find support for this hypothesis, it was necessary to study the development of law centres more closely than an analysis of the existing literature would allow. Chapter 3 explained in detail the refinement of the research questions for the thesis, shifting the focus from the national policy debate to the development of individual law centres. By adopting a case study approach, it was hoped that the role of the legal profession and dominant paradigms in the development of individual centres could be assessed. The power of the dominant paradigms was obviously not sufficient to prevent law centre development completely. However, by considering how the power of the legal profession and the dominant paradigms manifested itself in the birth, life and death of a number of centres, it was possible to identify the extent of its impact.

Chapters 5, 6 and 7 presented the data gathered on the centres selected for case study. This evidence allows a detailed analysis of the process of getting a law centre started, the challenges that are faced both during this process and throughout the life of the centre and, where relevant, the causes of closure. The evidence showed that getting a law centre started could be an arduous process, that law centre life was not always plain-sailing and that the causes of closure were often very complex, with the decline of a centre often being a long and drawn-out affair. The most striking aspect of the partial life histories constructed was that the experiences of centres varied greatly. Some had a relatively easy time in attracting funding, while others required the investment of considerable time, energy and skill by those involved. However, several themes connected some of the stories. These were considered in Chapters 8 and 9. Returning to the power hypothesis, the most important point to note is that only some of the important themes related to either the legal profession or the power of the dominant paradigms. The conclusion from this must be that the hypothesis should be rejected.

However, the evidence and analysis presented in this thesis does provide a great deal of insight into the lives of law centres. In so doing, it reveals that the profession and the dominant paradigms *have* had an impact on law centres in many significant ways. Nevertheless, it is also clear that this can provide at best a partial explanation for the development of these law centres and their life patterns. This chapter draws together the findings of the research, dealing first with the power hypothesis, but going on to consider potential competing or additional explanations.

## **THE IMPACT OF THE LEGAL PROFESSION AND THE DOMINANT PARADIGMS**

Chapter 8 explores the impact of a number of aspects of the power of the legal profession and the dominant paradigms in detail. The most explicit example of the difficulties caused by the organised legal profession for those seeking to establish a law centre comes from the first centre in Scotland. The negotiations with the Law Society of Scotland that led to the establishment of the centre took a number of years. Central and local government would not approve the project before all matters were resolved with the profession. The limitations the Society placed on the operation of the centre were similar to those seen in the early days of law centres in the rest of the UK. In restricting the types of work the new centre would be allowed to undertake, the Society attempted to protect its own members' interests.

The power of the Society in this example stemmed from its statutory position and the rules it applied to the profession, particularly those governing fees sharing and advertising. It was noted in Chapter 2 that the Law Society in England and Wales had also used this power, but had been censured by the Lord Chancellor for doing so unreasonably in one particular case. As well as this use of power, it has also been noted (Paterson, 1985) that the lawyers sitting on the Southfield centre's management committee were "opposed to the existence of the law centre in the first place" and made unhelpful contributions (p.21). This suggests that, not only could the profession acting

collectively through the Law Societies cause problems for law centres, but that individual lawyers could also have a direct impact.

Moving beyond this direct exercise of power, Chapter 8 also detailed a number of ways in which the wider legal structures within which law centres operate had raised the concerns of those involved in the management of two Scottish centres. This was not because of the profession trying to be obstructive. However, it does highlight one potential area of difficulty very much related to the nature of the professions: a shared knowledge, language and set of rules that are not designed to be understood by those outside the profession and are indeed one of the mechanisms used to distinguish the professions from other occupational forms.

As law centres are built on the interaction of legal professionals with other workers and lay management committees, the prospect of power imbalances is very real. Where lay managers set out to challenge the power of the profession, not allowing professional staff to hide behind professional exclusivity, the prospect of conflict is also very real. This was certainly a source of conflict between lawyers and managers in some of the centres studied. Thus the traditional demarcation of the legal professional and those outside the profession brought real challenges to some centres. This is not an exercise of professional power. Indeed, the problems could be said to reflect a rejection of that power. Nevertheless, to the extent that this interaction between the professional and community aspects of law centres can be seen to have made it harder for law centres to survive or operate effectively, the rules, traditions and structures of the legal profession could be said to have posed a threat to the development of law centres.

Linked to this issue is the problematic nature of law centres' attempts to appropriate the legal model into a non-lawyer-managed context. This is seen particularly in the evidence in previous chapters relating to misunderstandings on the part of managers of the nature of legal work and its requirements in terms of resources. It is not only managers who have failed at times to appreciate the constraints of legal practice, but also funders. Of course, one might argue that the lawyers within law centres have a duty to make sure

that the legal process and the resource requirements are made as transparent as possible for others within the law centre. Part of their purpose is to make the law more accessible to 'ordinary people', not just in the sense that their services should be accessible by being free, or non-intimidating, or located where they can be easily reached.

However, the evidence in previous chapters suggests that some managers sought to introduce policies that would have made the proper handling of clients' cases almost impossible (most notably the committee in Whitetower, which wanted to increase opening hours). In so doing, they made little effort to understand the nature of the resource they were attempting to manage. In one case, the lawyer's frustration at the inability of the management committee to understand the operation of a legal practice, the legal aid scheme and the law in general led to his attempt to get rid of the management committee altogether. This was perhaps the clearest single example of the tensions caused by lay management in the legal context. It was suggested that these problems could be minimised through the provision of better training for managers, but this alone would not solve the problems caused by managers seeking to push law centres towards becoming what could not really be described as law centres at all. The problem of inexperienced managers seeking to direct the law centre to reflect their own priorities or interests also goes beyond the issue of the professional/lay interface. This is explored further below.

There is, however, another major source of conflict for law centres, one that has made it very difficult for many law centres to operate effectively and that relates directly to the power hypothesis. It has perhaps had more to do with the restricted development of law centres (by paralysing them for long periods and in some cases leading them to closure) than any other issue related to the legal profession. This major issue relates directly to the extent to which law centres challenge the dominant paradigm of legal practice and the traditional conception of legal services.

Time and again throughout Chapters 6 and 7, it was shown that law centres descended into conflict, either internally or with funders, because there were differences of view as

to the range of services it was appropriate for the centre to provide. Traditional private practices provide a casework service for clients, but law centres set out to do more than this. It has been argued (Byles and Morris, 1977; Stephens, 1990) that law centres have not fully lived up to the multi-method aims of the movement. Many of them have adopted an approach not entirely dissimilar to that of a traditional private practice, other than by providing their services in areas (both substantive and geographic) previously largely ignored by private practice. Nevertheless many others have distinguished themselves from the traditional models, whether by undertaking campaigning, education and group work, operating non-hierarchically or combining the services of lawyers and community development workers. The evidence collated for this study strongly suggests that it is when law centres *do* stray from the dominant paradigm in such ways that they face difficulties, either from funders, from staff, or from less 'enlightened' management committee members.

It was argued in Chapter 8 that it was the inability of those resisting a broader approach to see beyond the dominant legal paradigm that led them into conflict with those rejecting the reactive casework only approach. It is here that one can perhaps see the most powerful evidence in support of the hypothesis that the aims and activities of law centres have been frustrated by the power of the dominant paradigms. These conflicts in many cases led funders to withhold funding or to investigate centres, often in response to concerns resulting from the internal conflict that was crippling the centres they funded. In this way, these conflicts posed a very real threat to the survival of the centres. In some cases, they did lead to closure, directly or indirectly, sooner or later.

In this sense, the dominant paradigms have had a significant impact on the lives of these particular centres. However, not all centres have faced such difficulties. The hypothesis cannot, therefore, be said to have universal application to the centres in this study, let alone the law centres movement as a whole. Further, the evidence from Chapters 5, 6 and 7 shows that a number of factors other than (and unrelated to) the dominant legal paradigms have had as great - and in some cases a greater - impact on the law centres studied. These were considered in Chapter 9.

## BEYOND AN EXPLANATION BASED ON PROFESSIONAL POWER

Having demonstrated that the hypothesis has not been proved, the further aim of the study was to identify additional themes that could form the basis of a reformulated hypothesis. Accordingly, Chapter 9 drew together a wide range of other issues emerging from the data analysis. It is perhaps helpful to consider these issues before going on to view them in the context of the overarching theme: the difficulties caused by change. Two principal strands emerged from the analysis in Chapter 9. Particular difficulties were caused first, by competition for the control of the resource law centres offer in the context of local and ethnic political systems and second, by management inexperience.

### LOCAL, ETHNIC AND COMMUNITY POLITICS AND THE CONTROL OF RESOURCES

Problems associated with attempted take-overs by particular ethnic groups were common in the West Midlands, but less so in Strathclyde. This is perhaps unsurprising given the different ethnic composition of the areas in which the respective law centres were located. As one observer in the West Midlands commented "I cannot think of any conflict situations within law centres that did not involve a question of race". While this seems to overstate slightly the position in relation to the English centres, it certainly does not apply in Scotland. One might then ask whether the issues surrounding race and law centres are simply a particular manifestation of a wider problem of competition for resources. It was suggested that law centres became a target for take-over because they offer a resource to parts of the community that are generally excluded from the control of resources. To that extent, one has to consider whether the issue of the exclusion of ethnic communities from control of resources differs in any important respects (in this context) to the experiences of other socially excluded groups. As law centres' services are specifically targeted on those who are excluded, one might expect similar issues to arise even where ethnicity is not an issue. Control for political purposes will be considered below. However, this is far from the only reason for conflict for control of the resource offered by a law centre.



Indeed, conflict over control of a law centre will often be a result of certain groups feeling that the services provided by a centre do not reflect the needs of the community, or a particular part of the community. This often raises issues linked to race, as the principal legal needs of different parts of a community may differ along racial lines e.g. a concern for issues related to immigration, nationality and discrimination on the one hand and those relating to problems of public rented housing on the other. However, there will also be competition for resources where race is not a major issue, for example between the provision of services for those experiencing difficulties in relation to public rented accommodation on the one hand and private rented accommodation on the other, or between housing law and employment law, employment law and social security law etc. In this sense, attempts to ensure the application of resources to a particular part of the community's needs are understandable and are indeed the primary function of community control.

Attempts to seek control of a law centre to ensure that its services reflect the needs of the local community differ markedly from attempts to control a law centre's resources for wider political (including party political) purposes. Again, this can be seen in both a race-related and a more general context. Certainly, there is evidence that law centres have been used to advance the causes of various non-ethnic groups, such as the anarchists in Southfield. There was also evidence that certain factions within local political parties have sought to use law centres to further their aims. Law centres have been used as a resource to attack the policies of the controlling group in the local authority (or that control itself) and to pursue the selection of particular candidates. In one case, those *not* involved in the law centre tried to implicate it in the smearing of a local candidate who happened to be on the management committee. Thus law centres often found themselves pawns in wider local party political conflicts. Needless to say, few centres emerged unscathed from such conflicts.

A further complication is that this political use of law centres was often associated with issues of ethnicity. This is really a consequence of the inter-relationship of local party politics and ethnic politics. Law centres could be adversely affected by local politics,

itself sometimes associated with ethnic politics, or by ethnic politics where there was no party political connection. Thus the two issues need to be considered separately and together.

This study could not hope to investigate in detail existing theories of local and ethnic politics, their inter-relationships or their manifestations in attempts to control resources such as law centres. While the scale of resources devoted to law centres could make them a particularly attractive location for the playing out of political battles and for struggles for control, local politics is of far wider relevance than its impact on law centres. The findings in relation to these issues emerged at the point of analysing the data collected for this study. The relevant literature could not, therefore, be considered in the same sort of detail as that relating to the legal profession and dominant paradigms. Nevertheless, it is worth considering briefly some possible avenues for future consideration.

Firstly, the ways in which different groups at a local level assert their interests can be seen in the context of local government and local democracy (Alexander, 1991; Saunders, 1975; Stoker, 1988). Moving beyond this analysis, the literature on community politics is very broad. It has been observed that formal politics, even at a local level, exclude the socially and economically disadvantaged from the decision-making process (Hill, 1974, Sills, 1975). The limitations of traditional conceptions of communities "as essentially unstratified and not representative of various and often conflicting subgroups" (Morris and Rein 1963, p.29) have also been recognised. Much has been written on the ways in which communities (or communities of interest) can mobilise to secure for themselves a more equitable share of resources (Bryant, 1972; Holman, 1972; O'Malley, 1970; Rein, 1970). The role of professionals in stimulating and facilitating such efforts has also been explored (Evens, 1974; Craig and Mayo, 1995). The work of law centres can be seen to fall within this tradition (Stephens, 1990) and indeed a number of centres grew out of the Community Development Project. However, they are also one of the very resources the different groups within the community are seeking to secure for themselves.

More specific to some of the issues identified in this thesis is the literature on the nexus between community, politics and race (Hill and Issacharoff, 1971; Eade, 1989; Hahlo, 1998). Issues emerging from this literature, such as the opportunities for participation offered by community organisations, ethnic take-over, representation and competition for the control of “ungoverned space” (Hahlo, *op.cit.* p.142) all have clear resonance in the context of the present study.

This study has concluded that local, ethnic and community politics are very important in the lives of law centres. However, it is clear that the co-option of law centres into political, ethnic and community struggles is just one minor aspect of a wider theoretical and research tradition in these areas. The insights offered by these perspectives could usefully contribute to the development of a more comprehensive theory for the development of law centres, a task which space does not allow as part of this study. Nevertheless, the identification of these issues suggests a useful additional avenue for empirical and theoretical development.

## MANAGEMENT INEXPERIENCE

It has already been noted above that there were specific difficulties for lay people in managing a legal resource. However, many of the problems stemming from issues related to management were unrelated to the legal nature of law centres. It is, therefore, extremely unlikely that they are themselves unique to law centres. Some of the problems, such as those associated with collectives (both in terms of management within the staff group and the management committee’s overall responsibility for managing the centre) might be expected to arise in any organisation adopting such a structure. Another particular aspect of this is the two-tier management structure. However, this structure is not unique to law centres, as many voluntary sector organisations involve non-staff based management committees. On an even less law centre-specific level, management is an issue for *any* organisation, whether it be a voluntary organisation, a public body or a private business. Management studies is a well developed discipline in its own right and many of the issues it considers are common to many different organisations. For

example, adherence to employment law was occasionally problematic for some of the law centres in this study, as were basic staff management issues such as autocracy, trust and communication.

None of these issues are unique to law centres. That does not mean that they cannot be considered as important issues for the development of law centres. Indeed, they were quite clearly responsible for some of the most serious difficulties faced by a number of law centres. However, it does mean that in seeking answers to these problems, or attempting to place them in a theoretical tradition, one has to look beyond law centres to the wide literature on management and organisational studies. All managers may face challenges. Voluntary organisations may have particular characteristics that merit additional consideration. Similarly, law centres also have particular characteristics that may distinguish them from other voluntary organisations. The principal difference is the legal context, which takes us back to the power hypothesis and has been considered above.

## **THE RELEVANCE OF CHANGE**

Chapter 9 considered each of the above aspects of law centre life in the context of change. As noted in that chapter, change is an in-built part of every law centre's life, a necessary consequence of being a community controlled organisation. It is also often an unavoidable result of some of the pressures faced by law centres, especially in terms of their funding arrangements and the difficulties they face in retaining the legally qualified staff they need to operate. Many of the problems identified above would have emerged in any event, but they are more likely to arise where change is endemic and inexpertly handled. The fact that so many of law centres' difficulties revolve around change suggests that this is as major a problem for the development of law centres – once they have got past the first stage of becoming operational – as any challenges related to the departure from the dominant paradigms.

Of course, many of the problems associated with departures from the dominant paradigms are also most acute at times of change. An example would be when a local authority is content with the work of a law centre it funds (because its operation accords with its view of what legal services should be and how they should be provided) but a new management committee seeks to adopt a more radical approach. A change in approach may upset the funding authority if it no longer feels that the service they thought they were funding is being provided and it cannot square the new way of operating with its existing conceptualisation of legal services. A similar problem emerges when new management committee members take a more traditional view of the work of the centre, bringing them into conflict with others on the management committee, the staff of the centre and/or the funding bodies.

Just as each of the areas of difficulty can be seen beyond the law centre context, so too can the types of changes discussed in this chapter. Changes within staff or management, with shifts in values and priorities, will affect all sorts of organisations, large and small. The failure of many organisations to cope with such changes has led to the development of a wide literature on change management and a burgeoning demand for consultants to take organisations through the change process. This can relate to the introduction of a new computer system, new working practices or structural changes. Much of the writing on this subject, and indeed the wider school of management studies, focuses on commercial organisations but, in many respects, the theories that spring from this field could equally be applied to other organisational forms, such as law centres.

The relevance of such theories to law centres may be greater than to many other organisations precisely because change is an endemic aspect of law centre life. In particular, strategies for the minimisation of unnecessary change and the management of necessary change will be especially relevant to law centres. There are also additional challenges. Many change management theories may relate to the successful introduction of changes by trained managers and may indeed form a major part of their training. However, many of the change-related problems in law centres focus either on change

introduced by new, inexperienced managers, or the change of managers itself (even if they do not seek to bring about any other change).

## **A THEORY OF THE DEVELOPMENT OF LAW CENTRES REVISITED**

The initial proposition of this thesis was that the restricted development of law centres was a result of the exercise of power by the legal profession. This was revised to take account of the more abstract apparent influence on the national policy debate of the dominant paradigms of legal practice, legal needs and legal services, even when the legal profession itself was party to a stated consensus in favour of law centres. To test this proposition by reference to the lives of all law centres would have been impossible. Accordingly, a multiple case study approach was adopted to assess the revised theory's explanatory power in relation to a number of individual law centres. The hypothesis was again revised to reflect the fact that the power of the dominant paradigms could not have been such that it prevented any development of law centres, as those that were studied did, of course, at least at some point exist. Thus the study aimed to establish via empirical investigation the extent to which the power of the legal profession and dominant paradigms had an impact on individual law centres, whether by making their genesis more difficult, their lives more challenging or their deaths more likely.

It should by now be clear that a theory restricted to the power of the legal profession and dominant paradigms alone cannot be sustained. For a start, the lives of law centres are very diverse. Nevertheless, several themes emerged. Only some of these related directly to the legal nature of law centres. As many, if not more, of the problems of law centres that might be said to have impeded the effective pursuit of their aims arose in relation to matters unconnected with the legal profession, the consequences of providing *legal* services in a voluntary sector, salaried, community managed context or a more radical conceptualisation of the need for, and strategies for delivering, those services.

Several of the other issues could be seen in far more wide-reaching contexts. They were not, therefore, unique to law centres. A theory based on failure to cope with change effectively might apply to a large business organisation as much as a law centre. Similarly, a theory based on the struggle for resources by socially excluded groups or, more particularly, ethnic minorities, would apply to all sorts of community resources. The same could be said of theories based on local or ethnic politics. The fact that *all* of these issues are relevant to at least some centres suggests that a theory based on only one of them would be just as inadequate as the power hypothesis. However, it also appears unlikely that law centres are the only voluntary sector or community-based organisations to have faced these multi-faceted problems. Thus one is led towards placing law centres within a theoretical tradition arising out of studies of community organisations.

So, would such a composite theory *replace* that based on the power of the dominant paradigms and the profession? The answer appears to be no. Although law centres will share many similarities with other community organisations, there also appear to be many respects in which it is their legal nature that exacerbates the problems that may also be faced by otherwise similar organisations. It is, therefore, possible to conclude that, just as the power hypothesis has been shown to be inadequate, so would any alternative that does not recognise the key difference resulting from the interaction of the community organisation and legal practice models.

Having rejected the power hypothesis, this thesis has suggested a useful route for refinement, one that draws on existing theoretical traditions, but does not fit directly within them. However, the question remains whether any such refined theory could be applied to all of the law centres studied empirically for this thesis, or indeed the wider law centres movement. It has already been noted that there were many similarities between the different law centres studied, but that there were also very significant differences. The structure, strategies and local contexts of the centres vary so widely that an issue that poses a significant threat to one law centre may barely arise in relation to another. However, all of the issues have *potential* to arise, either in the same or some analogous form. For example, while ethnic politics is perhaps less of an issue for many

of the Scottish centres, community politics - even while recognising the specific nature of ethnic politics that might in several senses differentiate it from community politics - may pose similar challenges.

Although many of the problems recounted in this thesis may appear to be endemic, it should be remembered that they occurred over a long period of time. Some of the centres most featured had extended periods of turmoil. However, these should be seen in the context of their often lengthy periods of smooth operation and the many successes on behalf of clients and the wider client group from which they emerge. Nevertheless, it was noted in Chapter 9 that one local authority's experience of law centres was such that it had soured its view of law centres in general and that no new law centres were likely to be supported in the area. The impact might also be wider than this, in that the difficulties of a few law centres may have had more impact on the views of potential funders (including central government) than the mainly positive experiences of others. This would itself be extremely unfortunate for the movement as a whole, but suggests that, even if the experiences of the centres in this study are atypical, they may still provide an insight into the reasons for the restricted development of the movement as a whole.

This thesis set out to test a proposition which proved inadequate to explain the restricted development and often troubled lives of law centres. The evidence suggested a number of alternative routes for analysis and theoretical development and identified a number of existing theoretical strands that might usefully be applied to law centres. However, the ultimate conclusion has to be that while the power hypothesis was inadequate, no alternative that fails to take its main features into account will suffice. It is, therefore, suggested that any future studies seeking to place the pattern of development of law centres within a theoretical framework would do well to seek to test a hypothesis based on a combination of existing traditions relating to community, local and ethnic politics, social exclusion and ethnicity, organisations and their management and the successful handling of change, while also recognising the specific impact of law centres' challenge to the dominant paradigms.



As government policy on community legal services evolves, a number of the limitations implicit in the scope and private practice orientation of the legal aid system are beginning to be recognised. These developments suggest that publicly funded legal services are slowly moving beyond the confines of the dominant paradigms. However, casework provided by solicitors in private practice still dominates<sup>31</sup>. Law centres, the pioneers of many of the alternative strategies, are sharing in the resources released as a result of the tentative adoption of this broader vision. They are not, however, at the heart of it and indeed the structures of the CLS are not without their problems for law centres<sup>32</sup>. The challenge for law centres remains to convince both central and local government of the importance of the alternative to the dominant paradigms and of their ability to provide the services that alternative demands.

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<sup>31</sup> Stein (2001) notes that the budget allocated to not-for-profit-agencies – which includes payments to law centres, amongst others - by the Legal Services Commission for the year to 2000/01 “represents but 5% of the total CLS’ civil expenditures [for the year]” (p.26).

<sup>32</sup> See the speech by Sara Chandler, Vice-Chair of the Law Centres Federation to a Legal Action Group conference held in London on 27/4/01.

# APPENDIX 1: INTERVIEWEES' ROLES

Table 6 below shows the roles of all interviewees in relation to each law centre included in the study.

**Table 6: Interviewees' roles**

	Management committee / steering group	Staff	Funder: member	Funder: officer	Law Centres Federation
<b>Strathclyde</b>					
Southfield	2	1	-	-	-
Easthill	-	2	-	-	-
Kirkfoot	1	-	-	-	-
Northhouse	-	1	-	-	-
Stonybridge	1	1	-	1	-
Stewarthall	1	1	-	-	-
Burnhead	1	-	-	-	-
Newchurch	-	1	-	1	-
Muirlands	1	1	-	1	-
<b>West Midlands</b>					
Havebury	-	1	1	-	-
Spring Park	3	3	1	-	1
Whitetower	5	1	1	1	2
Old Green	2	-	-	-	-
Westchester	1	-	1	1	2
Petersedge	3	-	1	-	1
Longwinton	3	1	1	1	1

As in Table 1 in Chapter 3, an individual may appear in Table 6 more than once if they played more than one role, whether in relation to a single centre or more than one centre. For example, one interviewee had been on the management committee of a particular centre in a personal capacity, but subsequently represented the local authority on the same committee as a councillor member. He is recorded in the table as both a management committee member and a funder member for the same centre.

Unlike in Table 1 in Chapter 3, where an individual played the *same* role in relation to more than one centre, they are recorded more than once in Table 6. For example, one interviewee had been on the management committee of two centres before going to work in another. He is recorded in the table in relation to three different centres, twice as a

management committee member and once as a member of staff (he is also recorded twice in Table 1, once as a management committee member, once as staff).

Many interviewees mentioned other centres in the course of their interview. In general, they are only recorded separately in the table if they were actually involved in the centre in some way. However, if they had a particular insight and the centre was discussed in some detail, they will be recorded in relation to each centre so discussed. This applies particularly to the two interviewees from the Law Centres Federation. Finally, some interviewees were involved with more than one centre, but not all centres were discussed in interview. They are only recorded in the table in relation to centres that were actually discussed.

# APPENDIX 2: QUANTITATIVE ANALYSIS

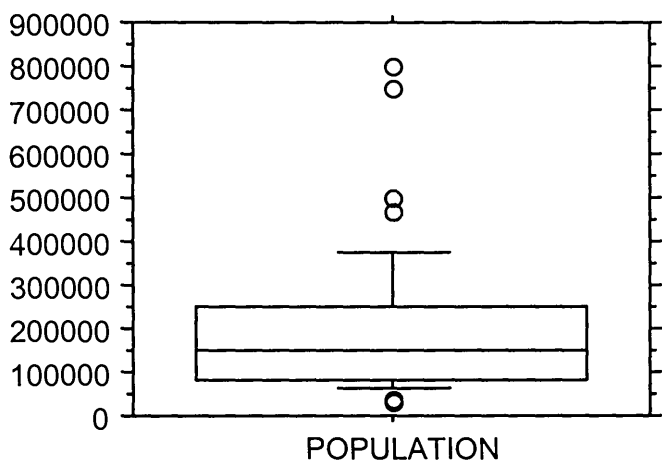
## CHARACTERISTICS OF CENTRES

### STAFFING AND CATCHMENT AREA POPULATIONS

Chapter 4 contains details of the number of legally qualified staff in 37 centres. It was reported that there was little link between the staffing level and the size of the centre’s catchment area. This statement is based on the analysis below.

Data on catchment area population was available for 41 centres. There is a very wide range of population, as shown in the boxplot<sup>33</sup> presented as Figure 3 below, from a minimum of 30,000 to a maximum of 800,000.

**Figure 3: Catchment area population**



<sup>33</sup> A boxplot is a graphical presentation of the distribution of a particular variable across a number of cases. The ‘box’ itself represents the range containing the middle fifty percent of values. Thus in Figure 3, 50% of areas with law centres have populations of between approximately 80,000 and 250,000. The line in the middle of the box represents the median value (in this case 150,000). The circles at the top and bottom of the plot represent ‘outliers’: values which deviate from the norm to a significant extent. The top and bottom circles, therefore, represent the highest and lowest values within the sample.

The inter-quartile range for population (the range within which the middle fifty per cent of centres are to be found) is from approximately 80,000 to 250,000, while the median value is 150,000. The small number of centres with catchment populations of over 400,000 are, therefore, more atypical than those with populations of under 50,000.

Data on both staffing levels and catchment area population were available for only 28 centres. The correlation coefficient is just 0.069, suggesting virtually no association whatsoever. Indeed, a number of centres with only one or two legally qualified staff were serving catchment areas considerably larger than those served by centres with five or six staff.

## **DEPRIVATION**

As noted in Chapter 4, there are three types of 'score' contained in the DoE Index of Local Conditions. The first is the overall score for the local authority area: the higher the score, the greater the deprivation. Only scores above zero (the England norm) signify deprivation and negative scores represent non-deprivation. As most deprivation is concentrated in relatively few areas, most areas have negative scores. The second measures the extent of the deprivation within the local authority as it represents the proportion of enumeration districts in the area which are classified deprived (within the worst seven per cent in England). The third measures the intensity of the deprivation: the average score of the worst three wards in the area. As each of these represents a different facet of deprivation, and only the latter two give any indication of deprivation at a level smaller than district, it is useful at the outset to investigate the relationship between the three measures themselves.

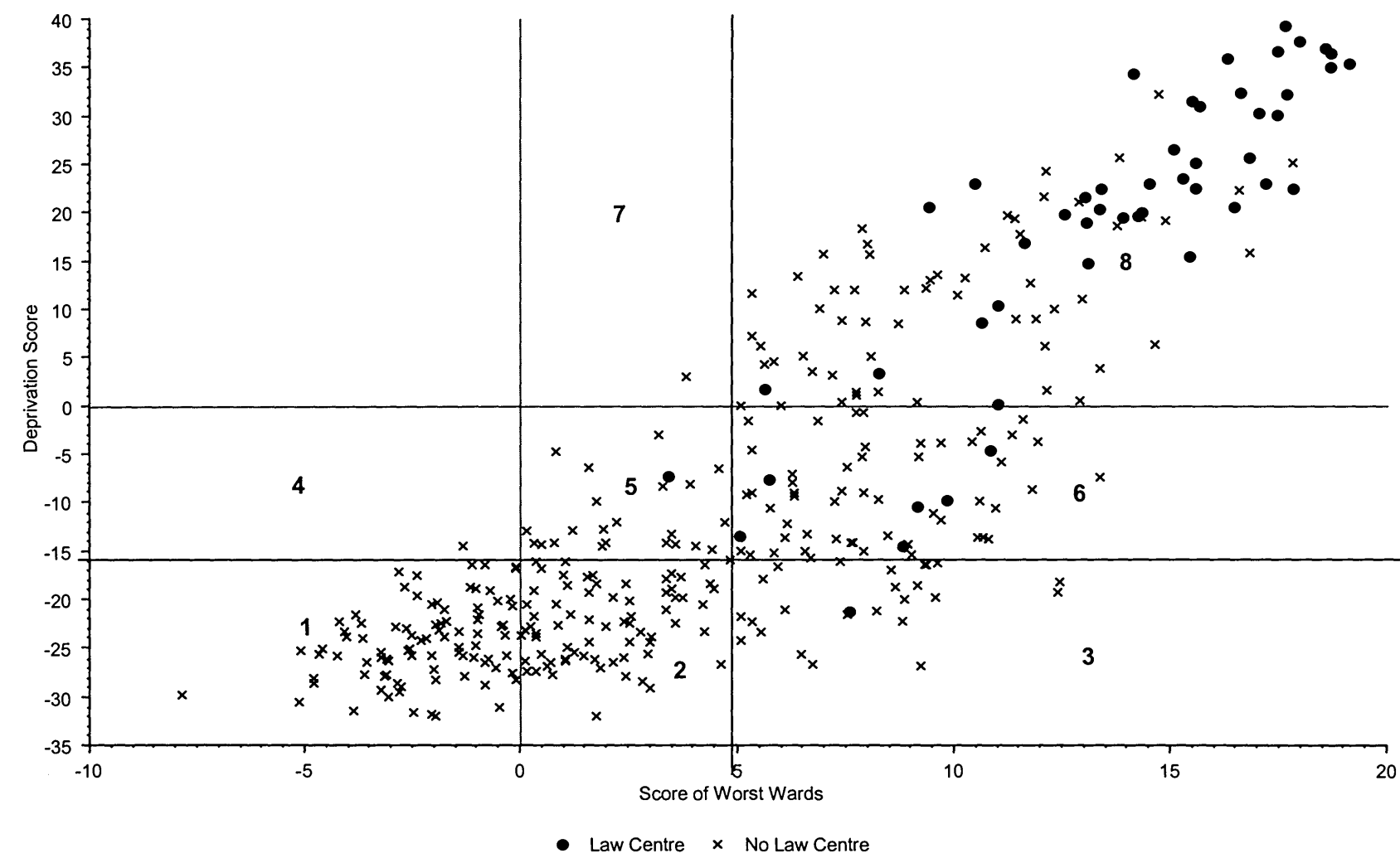
The bivariate scattergram displayed in Figure 4 below explores a number of different relationships and thus should be explained in some depth. The figure plots the overall score for each district in England against the 'score of worst wards' measure for the same districts. Thus each point on the chart represents both scores for each district. The

lower on the chart a district appears, the less deprived, in the overall sense, the district is. The further left on the chart, the less deprived are the worst wards in the district in question. One might expect that there would be good correlation between the two measures: that intensity of deprivation in any district (i.e. the level of deprivation in the most deprived wards in the district) is likely to be reflected in the overall deprivation score for the district. However, districts have an average population of 136,000, while wards average around 5,000.

There is also substantial variation between the populations of different districts, especially as between rural and urban areas. For example, Birmingham appears as a single district. Clearly, in an area the size of Birmingham, there will be substantial variation in levels of deprivation between different wards. It is thus possible that a relatively small cluster of deprived wards in a district will be 'hidden' when the score for the district as a whole is calculated (by averaging the scores of all wards). It is for this reason that the 'intensity' measure is so useful. On the other hand, many law centres serve large catchment areas, sometimes encompassing an entire district: it is therefore still important to look at the overall district score. The degree of non-correlation, if any, highlighted in the chart will give an indication of the extent to which deprived wards are compensated for by non-deprived wards within the same district, thus giving the district a lower deprivation score.

The chart can be split into nine distinct sections, numbered for ease of analysis in approximate order of deprivation. The sections are created by the lines that split the chart. The dotted lines represent zero: anything above zero is deprived, everything below is not. The solid lines represent the medians for each of the scores for all districts. The top left section is empty and so is unnumbered: it represents those areas which score above zero overall but below zero for the worst wards - this is, of course, impossible. Sections 1 and 2 represent those that are below average on both scores.

Figure 4: Overall deprivation and worst wards scores



However, while section 1 contains districts which are officially classed as non-deprived overall *and* which contain no deprived wards at all, section 2 contains districts which, though below average on both scores, are still above zero on the score of worst wards. In other words, the worst wards in the districts *are* deprived and either this deprivation is concentrated in relatively few wards or the non-deprived wards in the district more than compensate for the deprived wards in the overall score.

Sections 3, 4, 5 and 7 represent those areas which are above average on one measure but below average on the other. Section 3 contains districts which score above average on the worst wards score, but which are still below average overall. Conversely, section 4 contains districts which are more deprived than the average (or rather are less non-deprived, as they still score less than zero), but contain no deprived wards. Like section 4, section 5 also contains districts which have below zero but above average overall deprivation scores. Unlike those in section 4, the districts in section 5 do have wards which are officially classed as deprived, although they still score below average on this score. Section 7 contains only one district, which is classed as both above average and deprived on the overall score, but which is above zero but below average in terms of the worst wards score.

Sections 6 and 8 contain those districts which score above average on both measures. Section 6 contains districts which are above average on both scores, meaning they do have deprived wards, but are still not classed as deprived overall. Section 8 is the only area which contains districts which are officially classed as deprived overall *and* in which the worst wards are not only classed as deprived, but are more deprived than the average. Whichever way one looks at it, these districts are deprived.

One would expect there to be considerable correlation between the two measures, which would be shown on the chart by a clustering of points around an imaginary line running across the chart from lower left to upper right. Indeed, there is a considerable association between the two measures. More pertinently, the chart also shows that a substantial number of areas which have quite large negative (non) deprivation scores do have some badly deprived wards, which are otherwise masked by the overall score for the local authority. For example, Aylesbury Vale has the



second lowest overall deprivation score in the country (ranked 365th out of 366). Although only 0.3% of its EDs are classed as deprived (within the most deprived 7% in England), the average of its worst three wards comes to 1.75. If the same level of deprivation were seen across the area as a whole, it would be amongst the hundred most deprived in the country. As things stand, those three wards place Aylesbury Vale at rank 236 according to this particular measure. To take another example, the median value for this worst wards measure is 4.96, while the median value for deprivation is -15.89. We can see from the figure that a substantial number of districts lie in section 3. Most striking are the two cases with deprivation scores approaching -19 (roughly within the least deprived third) with worst ward scores of around 12.5, putting them in the top fifty on this measure; and that with a deprivation score of -27 (within the least deprived fifty) but a worst ward score of more than nine (well within the worst hundred).

The additional purpose of this scattergram is to test the association between deprivation and the development of law centres. This test indicates whether deprivation is an explanatory factor when looking at the partial development of law centres in the UK: one might find that levels of deprivation explain why law centres exist in some areas but not in others. If this were the case, the chart would show us that law centres are located in deprived areas and that they are not located in non-deprived areas. Thus we could conclude that deprivation is a *necessary* condition for the development of law centres. Further, the chart shows whether all deprived areas have law centres i.e. whether deprivation is a *sufficient* condition for the development of law centres in particular areas.

Looking at the figure, we see that most of the areas containing law centres (marked on the chart as a circle) do indeed have scores above the median for both measures. Only one law centre (Carlisle) is in an area which scores lower than average for the worst wards score<sup>34</sup> (section 5) but the area does have a score higher than zero (i.e. there are some deprived wards in the district). The area is classed as being non-

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<sup>34</sup> The law centre in Hillingdon also serves Harrow, which scores below average on both scores and has a slightly lower score for the worst wards. However, the centre is based in Hillingdon, which scores above (but close to) average on both scores.

deprived overall, but is above the median in terms of this latter score. In addition, the law centre in Carlisle also serves the neighbouring district of Allerdale, which scores above average on both measures. Only one law centre (Thamesdown) is in an area which lies below the median for overall deprivation, but its worst wards are significantly above the median for this score. It is worth re-stating at this point that while the average score for overall deprivation is well below zero (and therefore many areas which have above average overall scores will be classed as non-deprived), the median worst wards score is significantly above zero: all above average areas and many which are below average will contain deprived wards. Six other centres are in areas which score below zero for the overall score, despite having worst wards which are above the median to varying degrees. Thus almost fifteen per cent of all areas containing law centres are officially classed as non-deprived.

However, at the top end of both scales, the majority of the most deprived areas do contain law centres. Sixteen of the seventeen worst areas overall have law centres. Likewise, 23 of the 26 areas containing the worst wards have law centres. However, there are clearly a substantial number of areas which suffer from considerable deprivation and which are not served by a law centre. Although the correlation between overall deprivation and the intensity of deprivation (i.e. the scores of the worst wards) is probably strong enough to dispense with the need to use both measures when making comparisons, especially for those areas with law centres, the possible variation should still be borne in mind when considering the areas which at first sight appear not to be deprived but which contain law centres and vice versa.

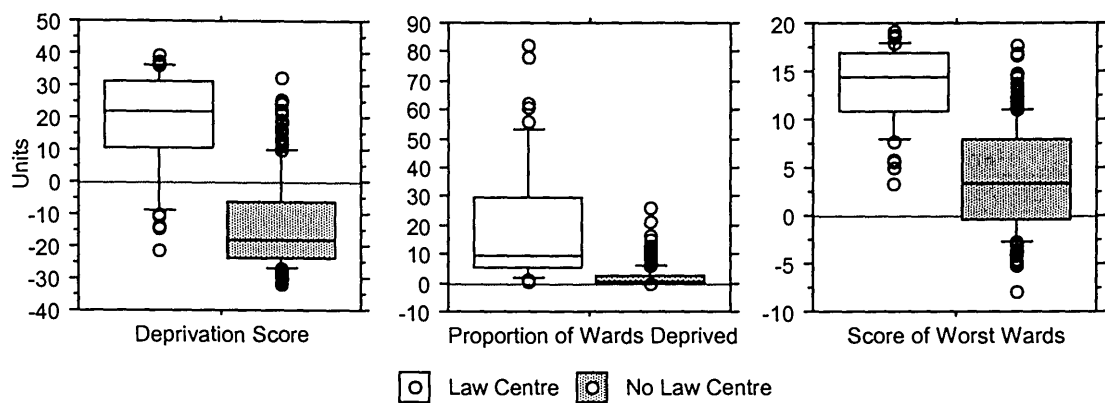
A similar analysis could be performed looking at the association between overall deprivation score and extent of deprivation (represented by the proportion of deprived wards in a district) and the distribution of scores for areas with or without law centres. However, because the latter measure is a proportion (and so cannot be negative) and many areas have no deprived wards whatsoever or a very small number of deprived wards, a scattergram would simply show a cluster towards the bottom of the axis representing extent of deprivation. Nevertheless, it is still important to look at this measure. If a law centre serves an entire district, then even if that district as a whole is not deprived and even if the worst wards in the district are

not terribly deprived, it is possible that a significant number of other wards are still among the worst 7% of deprived wards in the country. Thus a sizeable relatively deprived population may exist, indicating the need for a law centre.

Instead of a scattergram, presented in Figure 5 below are boxplots showing the distribution for each type of deprivation score, including that of extent, split by the existence or otherwise of a law centre in the area. It is immediately clear that, as may have been expected, on each measure the areas with law centres are for the most part more deprived than those areas without. This is indicated by the fact that the bulk of the data (as represented by the boxes on the plots) does not overlap in any of the plots. For the first plot, the two figures are almost inverted copies of each other, with the value zero providing the axis of rotation: the majority of areas with law centres have deprivation scores above zero, while the opposite is true for areas without law centres.

However, as mentioned in relation to the scattergram, there are many outliers in both categories. This means that there are a number of areas without law centres which have deprivation scores within the range applicable to the middle 50% of the areas with law centres. Likewise, there are a number of areas with law centres which have deprivation scores within the range applicable to the middle 50% of areas without law centres i.e. which are not deprived. The most deprived area with a law centre has a score of 39.33, while the most deprived area without a law centre has a score of 32.24. The least deprived area with a law centre has a score of -21.27, while the least deprived area without a law centre has a score of -32.04.

Figure 5: Three measures of deprivation



Thus it is impossible to say either that deprived areas have law centres or that non-deprived areas do not have law centres. It is, however, true to say that the *most* deprived areas do have centres and the *least* deprived areas do not and that, on the whole, areas with centres tend to be deprived. To summarise in terms of the argument advanced above, we can certainly say that deprivation appears to be a strong factor in the existence or otherwise of law centres but it is not quite a necessary condition. Likewise, the existence of highly deprived areas without law centres means that neither is deprivation a sufficient condition.

It is equally clear from the middle plot that areas with law centres contain, on average, a higher proportion of deprived wards than those without. Again, the middle fifty per cent show no overlap, but a substantial number of non-law centre outliers are within the range of the law centre sample and vice versa. The same is true of the final plot. In each of the plots, however, the most deprived areas are those with law centres and the least deprived areas do not have law centres.

Table 7 overleaf contains the rankings for each measure of the ‘top’ seven areas without law centres and the ‘bottom’ seven areas with centres. This shows that a number of districts without law centres score highly on more than one of the measures of deprivation, suggesting that they are indeed at least as deprived as a number of districts with centres, if not more so. This is particularly true of the districts with law centres that appear some way down the rankings for one or more measures.

**Table 7: 'Top' and 'bottom' areas with and without law centres**

Areas without law centres:		Score Rank	Score Rank	Score Rank
Top overall	Knowsely	32.24 12th	26.4 14th	14.71 28th
	Barking & Dagenham	25.73 18th	11.4 30th	13.83 36th
	Waltham Forest:	25.26 20th	21.5 16th	17.81 6th
	South Tyneside	24.23 22nd	9.4 36th	12.12 54th
	Blackpool	22.30 30th	15.2 23rd	16.57 17th
	Blackburn	21.72 31st	9.2 37th	12.10 55th
	Sunderland	21.15 33rd	6.0 64th	12.91 47th
National Median/mean		-15.90 / -9.26		
Median/Mean in areas with LCs		21.62 / 17.63		
Top extent	Knowsely	32.24 12th	26.4 14th	14.71 28th
	Waltham Forest:	25.26 20th	21.5 16th	17.81 6th
	Hove	11.00 68th	16.4 20th	12.97 45th
	Blackpool	22.30 30th	15.2 23rd	16.57 17th
	Southampton	19.54 41st	12.9 27th	14.35 32nd
	Portsmouth	19.25 44th	12.4 28th	14.86 27th
	Plymouth	15.81 52nd	12.4 29th	16.81 14th
National Median/mean		1.00 / 4.35		
Median/Mean in areas with LCs		8.70 / 18.62		
Top intensity	Waltham Forest:	25.26 20th	21.5 16th	17.81 6th
	Plymouth	15.81 52nd	12.4 29th	16.81 14th
	Blackpool	22.30 30th	15.2 23rd	16.57 17th
	Portsmouth	19.25 44th	12.4 28th	14.86 27th
	Knowsely	32.24 12th	26.4 14th	14.71 28th
	Bournemouth	6.36 79th	10.2 34th	14.68 29th
	Southampton	19.54 41st	12.9 27th	14.35 32nd
National median/mean		4.96 / 5.14		
Median/Mean in areas with LCs		14.26 / 13.35		

Areas with law centres:		Score Rank	Score Rank	Score Rank
Bottom overall	Thamesdown	-21.27 245th	0.9 193rd	7.61 131st
	Warrington	-14.57 174th	1.6 155th	8.83 105th
	Hillingdon	-13.53 157th	1.4 172nd	5.05 183rd
	Petersedge	-10.39 143rd	3.3 103rd	9.15 99th
	Gloucester	-9.70 138th	6.9 56th	9.83 83rd
	Carlisle	-7.38 125th	0.4 253rd	3.42 205th
	Luton	-4.57 115th	7.6 47th	10.97 71st
National Median/mean		-15.90 / -9.26		
Median/mean in areas without LCs -		18.15 / -13.61		
Bottom extent	Carlisle	-7.38 125th	0.4 253rd	3.42 205th
	Thamesdown	-21.27 245th	0.9 193rd	7.61 131st
	Hillingdon	-13.53 157th	1.4 172nd	5.05 183rd
	Chesterfield	1.79 91st	1.6 158th	5.64 167th
	Hartlepool	20.60 34th	2.3 130th	9.44 91st
	Kirklees	15.43 55th	2.7 113th	8.26 112th
	Petersedge	-10.39 143rd	3.3 103rd	9.15 99th
National Median/mean		1.00 / 4.35		
Median/mean in areas without LCs		0.70 / 2.04		
Bottom intensity	Carlisle	-7.38 125th	0.4 253rd	3.42 205th
	Hillingdon	-13.53 157th	1.4 172nd	5.05 183rd
	Chesterfield	1.79 91st	1.6 158th	5.64 167th
	Thamesdown	-21.27 245th	0.9 193rd	7.61 131st
	Kirklees	15.43 55th	2.7 113th	8.26 112th
	Warrington	-14.57 174th	1.6 155th	8.83 105th
	Gloucester	-9.70 138th	6.9 56th	9.83 83rd
National median/mean		4.96 / 5.14		
Median/mean in areas without LCs		3.35 / 3.81		

(Note: Petersedge would be eighth in the last category)

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